

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

STATE OF ALABAMA,

BEGUN AND HELD AT THE TOWN OF TUSCALOOSA, ON THE THIRD
MONDAY IN NOVEMBER, 1829.

Being the Eleventh Annual Session

OF THE

GENERAL ASSEMBLY OF SAID STATE.

TUSCALOOSA:

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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES.

MONDAY, NOVEMBER 16th, 1829.

On Monday the 16th day of November, in the year of our Lord one thousand eight hundred and twenty nine, the following members of the House of Representatives appeared in the state capitol, in the city of Tuscaloosa, were duly qualified and took their seats, to wit :

From the county of Autauga Robert Brodnax and William Hester.

From the county of Baldwin, David Mims.

From the county of Bibb, James B. Clark, and Jonathan Jones.

From the county of Blount, Marston Mead, and Daniel Murphree.

From the county of Butler, Nathan Cook.

From the county of Clarke, William Mobley.

From the county of Conecuh and Covington, John Green and Henry E. Curtis.

From the county of Dallas, Jefferson C. Van Dyke, Uriah Grigsby, and William Taylor.

From the county of Franklin Benjamin Hudson, and Robert C. Horton.

From the county of Fayette, John Stipp.

From the county of Greene, John Gayle, George Hayz, and Daniel B. Richardson.

From the counties of Henry and Dale, James Ward.

From the county of Jackson, James Smith, William Barclay, James Roulston, and James Russell.

From the county of Jefferson, John Brown and John F. Forrest.

From the county of Lawrence, David G. Ligon, William Hodges, and Thomas Coopwood.

From the county of Limestone, George W. Lane, Daniel Coleman, and Thomas Bibb.

From the county of Lauderdale, Samuel Craig, John Pope and Francis Durrett.

From the county of Madison, Thomas Fearn, David Moore, William Acklen, junr. Henry King, and James Penn.

From the county of Morgan, Thomas McElderry, John T. Rather, and Horatio Philpott.

From the county of Marion, James Metcalfe, and De La F. Roysdon.

From the county of Montgomery, Samuel C. Oliver, Henry Goldthwate, and Mosely Baker.

From the county of Marengo, Charles G. Conner.

From the county of Monroe, Enoch Parsons, Samuel Dale, and John Morrisett.

From the county of Mobile, Joseph Bates, junr. and Thomas Byrnes.

From the county of Perry, George Weissinger, David Cole, and Eliza Young.

From the county of Pike, Charles A. Dennis and Jacinth Jackson.

From the county of Pickens, George H. Flourney.

From the county of St. Clair, Henry Bradford, and John Massey.

From the county of Shelby, Joab Lawler.

From the county of Tuscaloosa, Marmaduke Williams, Hardin Perkins, Willis Banks, and Harvey W. Ellis.

From the county of Washington, John Fitts.

From the county of Wilcox, Walter R. Ross, and Allen Robinson.

On motion of Mr Weissinger, Mr Williams was called to the chair, and Thomas B. Tunstall appointed clerk pro tem.

The house then proceeded to the election of a Speaker : John Gayle and Thomas Bibb being in nomination. John Gayle having received a majority of votes was declared duly elected, conducted to the chair, and made his acknowledgements to the house for the honor conferred, was qualified, and entered upon the discharge of his duties.

The house then proceeded to the election of a principal clerk; whereupon Thomas B. Tunstall was duly elected, was qualified and entered upon the discharge of the duties of his office.

The house then proceeded to the election of an engrossing clerk; whereupon William B. McClellan was duly elected, was qualified, and entered upon the discharge of the duties of his office.

The house then proceeded to the election of an assistant clerk; whereupon T. Nixon Van Dyke was duly elected, was qualified, and entered upon the discharge of the duties of his office.

The house then proceeded to the election of a door keeper; whereupon John Tatom was duly elected, was qualified, and entered on the discharge of the duties of his office.

On motion of Mr Forrest: *Resolved*, that the clerk of the House be instructed to inform the Senate that the house of Representatives is organized, that they have elected the Honorable John Gayle, Speaker; Thomas B. Tunstall, principal Clerk; T. Nixon Van Dyke, assistant Clerk; William B. McClellan, engrossing clerk; and John Tatom, door keeper; and are now ready to proceed to business.

On motion of Mr Williams: It is ordered that the rules heretofore adopted for the government of the house, be adopted as the rules for the government of the present session until otherwise altered.

On motion of Mr Mead: Ordered that one hundred copies of said rules be printed for the use of this house.

Mr Speaker laid before the house the certificate of John F. Mills, sheriff of Madison county, certifying the number of votes that Gabriel Moore received for Governor in said county, which was read and laid on the table.

Mr Speaker laid before the house the certificate of D. McLean, sheriff of Autauga county, certifying the number of votes that Gabriel Moore received for Governor in said county, which was read and laid on the table.

Mr Speaker laid before the house the certificate of Allen Moore, sheriff of Washington county, certifying the number of votes that Gabriel Moore received for governor in said county, which was read and laid on the table.

Mr Speaker laid before the house the certificate of John Grigg, sheriff of Lawrence county, certifying the number of votes that Gabriel Moore received for governor in said county, which was read and laid on the table.

Mr Speaker laid before the house the certificate of Thomas Dains, sheriff of Pickens county, certifying the number of votes that Gabriel Moore received for governor in said county, which was read and laid on the table.

On motion of Mr Rather: *Resolved*, that the secretary of state be instructed to furnish this House with a list of such returns for governor as may be filed in his office.

A message was received from the Senate by Mr Quin Morton, which is as follows: Mr Speaker, the senate have adopted the following resolution: *Resolved*, that a message be sent to the House of Representatives informing that body that the Senate have assembled; have elected the Hon. Levin Powell, of Tuscaloosa, their President; Francis S. Lyon, Secretary; George W. Crabb, assistant Secretary; and James A. Bates, door keeper; and are now ready to proceed to business.

On motion of Mr Acklen: *Resolved*, that a select committee be appointed on the part of this House, to act with such committee as may be appointed on the part of the Senate to wait on his Excellency and inform him that the two Houses of the General Assembly are now organized, and ready to receive any communication he may please to make; whereupon Messrs Acklen and Parsons were appointed said committee.

On motion of Mr Ellis: *Resolved*, that Erasmus Walker, Esqr. editor of the Alabama State Intelligencer, a newspaper published in the town of Tuscaloosa, be permitted a seat within the bar of the Hall for the purpose of taking notes upon the proceedings of this House.

And then the House adjourned until to-morrow morning 10 o'clock.

Tuesday, November 17th, 1829.

The House met pursuant to adjournment.

A message from the Senate by Mr Lyon. Mr Speaker: The Senate concur in the resolution of your honorable body proposing the appointment of a joint committee to wait on the Governor, and inform him of the organization of the two Houses of the General Assembly, and of their readiness to receive any communication he may think proper to make; and have appointed on their part Messrs McVay and Moore. Ordered, that said message lie on the table.

Samuel W. Marlis, a representative from the county of Shelby, appeared, was qualified and took his seat.

Mr Speaker laid before the House a message from the Governor, which is as follows.

EXECUTIVE DEPARTMENT, *November 17th, 1829.*

The Honorable the Speaker, and members of the House of Representatives:

GENTLEMEN:—The Secretary of State is necessarily absent from the seat of Government on account of the indisposition of his family. The House of Representatives will have the goodness to receive any communication from this department by Captain Abbott, who will be intrusted with the delivery of them in the absence of the Secretary of State.

I have the honor to be, most respectfully Your obedient servant.

(Signed.)

JOHN MURPHY.

Ordered that said message lie on the table.

Mr Speaker laid before the House a message from the Secretary of State which is as follows:

SECRETARY OF STATE'S OFFICE, TUSCALOOSA, *Nov. 17th, 1829.*

Sir—In obedience to a resolution of your Honorable body, directing the Secretary of State to furnish the returns of the late election for Governor of this state, I have the honor to forward herewith all the returns of the election for Governor which have been received at this office.

Very respectfully your obedient servant.

J. I. THORNTON.

Hon. JOHN GAYLE, Jr. Speaker of the House of Representatives.

Ordered that the said message lie on the table.

On motion of Mr Bibb: *Resolved*, that Alexander M. Robertson, editor of the newspaper called the *Spirit of the Age*, be assigned a seat within the bar of this House, for the purpose of taking notes of its proceedings.

On motion of Mr Coopwood: *Resolved*, that the following standing committees be appointed to wit:

A Committee on Privileges and Elections; a Committee on Propositions and Grievances; a Committee on Enrolled Bills; a Committee on Inland Navigation; a Committee on Roads, Bridges, and Ferries; a Committee on Ways and Means; a Committee on the Military; a Committee on the Judiciary; a Committee on County Boundaries; a Committee on Schools, Colleges, School and College Lands; a Committee on Accounts; a Committee on Divorce & Alimony; a Committee on the State Bank; a Committee on the State Capitol; a Committee on Indians, and affairs in relation to lands in possession of Indians within the chartered limits of this State.

Mr Fearn moved to amend the resolution by striking out 'schools, colleges, school and college lands,' with a view to insert the word 'Education' which was carried. The resolution as amended was then adopted.

Mr Massey presented the petition of Jesse Lott, praying compensation for the loss of a negro man slave named Harry, executed in St. Clair county for the murder of one James Taylor, which was read. Mr Bibb moved that said petition lie on the table which was carried.

Mr Goldthwaite obtained leave to introduce a bill to be entitled An act to increase the pay, and the more effectually to provide for the payment of the jurors for the county of Montgomery, which was read and ordered to a second reading to-morrow.

Mr Acklen from the select committee appointed on the part of this House to act with a committee appointed on the part of the Senate to wait on his Excellency the Governor, have performed that duty, and received for answer that his Excellency will communicate by message this day at the hour of twelve o'clock. Ordered that said report lie on the table.

On motion of Mr Russell: *Resolved*, that a select committee be appointed for the purpose of inquiring into the expediency of adopting a memorial addressed to the Congress of the United States soliciting the postponement of the sale of public lands of Jackson county; whereupon Messrs Russell, Acklen and Fearn were appointed said committee.

On motion of Mr Lawler: *Resolved*, that a select committee be appointed to take into consideration the propriety of opening a turnpike road from the town of Montevallo, in Shelby county, to the line between this state and the state of Georgia, on the nearest and best way to Milledgeville, with leave to report by bill or otherwise; whereupon Messrs Lawler, Baker, and Clark were appointed said committee.

On motion of Mr Taylor: *Resolved*, that the secretary of state be directed to furnish this House with the proceedings of a general court martial convened at Claiborne in March last, for the purpose of determining a contested election for Major General of the 4th division of the militia of this state, and all matters therewith connected.

Mr Roysdon offered the following resolution: *Resolved*, that two members be appointed a committee on the part of this House to contract for stationary for the use of the same. Mr Perkins moved to amend the resolution by striking out all after the word "Resolved," with a view to insert the following, "that the door keeper of this House be and he is hereby authorized to procure stationary and fuel for the use of this body, and also an additional number of chairs that may be needed, and benches for the lobby. Mr Fearn moved further to amend the resolution by adding the words, "with green

blaze curtains to the southern windows of this hall, and a suitable number of spit boxes for the use of the House.

The resolution as amended was adopted.

On motion of Mr Parsons: *Resolved*, that a joint committee be appointed to inquire of the propriety of readopting and urging upon the consideration of the Congress of the United States the important matters embraced in the memorial of the Legislature of this state at the last session, concerning the public lands and rights of preemption in favor of actual settlers and relinquishers, and to inquire whether said memorial ought to embrace any additional matter, and if so to report a suitable memorial for the purpose; whereupon Messrs Parsons, Goldthwaite and Mardis were appointed said committee.

Mr Baker offered the following resolution: *Resolved*, that a committee be appointed to inquire into the expediency of drafting a memorial of remonstrance to the Congress of the United States, protesting against the right claimed by the General Government to the waste lands within the state. Mr Goldthwaite moved that the resolution lie on the table, which was carried.

Mr Coopwood offered the following resolution: *Resolved*, that the Comptroller be requested to report to this House a statement of the amount of taxes paid into the treasury of this state by the different counties, and the amount received on each different item of taxation.

Mr Forrest moved that the resolution lie on the table till Monday next, which was carried.

On motion of Mr Flournoy: *Resolved*, that with the concurrence of the Senate, the two Houses will proceed on to morrow in joint meeting in the Representative Hall, to examine, enumerate, and ascertain the votes given at the last general election for Governor of this state, and to decide and determine on said election.

On motion of Mr Baker: *Resolved* that a committee to be called "The Committee on the state of the Republic," be appointed as one of the standing committees of this House.

On motion of Mr Taylor: *Resolved*, that the comptroller of public accounts be directed to furnish this House with a statement, shewing the amount of rents received for the public ferry, the property of the state; the amount received for rents of the lands of the state, with the number of acres rented, and also the amount of rent received for the public buildings in the town of Cahawba.

Mr Ligon offered the following resolution: *Resolved*, by the Senat and House of Representatives of the state of Alabama in General Assembly convened, that in the intercourse which necessarily exists between the executive and legislative departments of the government in this state it is anti-republic to style the Governor "His Excellency," which was lost.

Mr Hudson offered the following resolution: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of authorizing by law the drawing of a jury of twenty four persons to attend the County Courts of this state, under the same rules and regulations that jurors are now drawn to attend the Circuit Courts of this state, and that they report by bill or otherwise.

Mr Penn moved that the resolution lie on the table, which was lost. The question was then put on the adoption of the resolution, and lost.

A communication in writing was received from the Governor, by Mr Abbott, which was read and is as follows:

To the Honorable the Senate and House of Representatives:

FELLOW CITIZENS:—The annual requirements of public duty have led us again to assemble at the Seat of Government. In thus meeting you, I have the honor to offer my respectful and affectionate congratulations. On these stated and interesting occasions, the mind very naturally recurs to the contemplation of the peculiar political advantages which we enjoy. Almost every where else the human species are subjected to institutions, and have been drawn into circumstances, which are highly unfavorable to happiness, and to that progressive improvement in knowledge, morals and the arts of life, which tend so much to ameliorate, adorn and dignify the condition of the human family. The energies of man are restrained, and his faculties borne down by arbitrary subjection to the will of others. But here every one has opportunity to pursue his own interests, according to his own volitions, subjected only to the restraints of equal and wholesome laws. We should frequently contemplate these blessings, not in the spirit of vain and boastful exultation, but that we might justly appreciate their value, and learn the most effectual means of ensuring their continuance. Our political circumstances are truly enviable, and should not fail to excite our gratitude in a peculiar degree. The Disposer of the condition of Nations has been most bountiful towards our favoured land, and His gifts should be held in constant and most grateful remembrance. With what faithfulness and provident care should these gifts be preserved, for our own benefit, and that of all succeeding generations, that we may never be justly chargeable with having lost or impaired an inestimable treasure, because we were unconscious of its value. But while on the subject of our present meeting together, I cannot pass unnoticed the improved accommodation which is now afforded to the General Assembly in the State Capitol. Great exertions have been made by the Commissioners and the State Architect, to prepare it for your reception, although other less material parts of the building still remain unfinished. I sincerely hope that it will fully satisfy the highest expectations which you have formed of it, and that it may long remain a monument of the liberal ambition, and enlarged but not extravagant munificence of the State. The taste, skill, and experience of the Architect, Capt. Nichols, deserve the highest commendations. In this edifice, beauty and use have been most happily combined, while a system of proper economy has been made to pervade the whole arrangement. How natural it is to wish and to hope, that this public building may be consecrated to the enlightened and harmonious transaction of public business; that within its walls, whatever small and temporary jarrings may occasionally exist without, the representative patriots of the State will always find their common fire side and home, transacting the common business in the liberal justice and generous affection of the same family. May it long remain the council hall, and citadel of liberty.

But to speak more particularly of the state of the Republic: During the current year we have enjoyed a most propitious season, in which the productions of the earth have been unusually abundant; industry remains undiminished, in the active steadiness of its laudable pursuits, and receives from the bounty of Providence a fuller recompense; peace and plenty scatter their comforts throughout our land, the desire of becoming more independent of others, by a more extended cultivation of our own available resources, the necessity of which course, a sinister policy has forced upon us, when we would have been content, much more at least to the benefit of others, to have pursued only the cultivation of our accustomed

staples, is becoming more general, and is better understood; a degree of good health, perhaps unexampled, has pervaded almost every portion of the State, and to crown all these blessings, the laws are faithfully administered by officers who are capable, zealous, and indefatigable, under many difficulties in the discharge of their duties, deserving thereby the high approbation of their country.

It is much in the spirit of true patriotism to act with zeal as if nothing were done, while any thing yet remains to do for the good of the country. Perhaps no human institution was ever made so perfect as not to have admitted of some amendment, either in matter or form, and doubtless our recent system of laws, under which however we might live, and do live happily, admits of material alteration, and should give place to additions and modifications, making it more conducive to its general objects. It is for this purpose, with others, that the people authorize us annually to assemble. The laws of a well regulated community, should be as few and as comprehensive as possible. Comprehensiveness should only be limited by perspicuity. Multiplicity of enactments is every way inconvenient. The introduction of new laws, and the amendment of those already in existence, often require much care and deliberation, for change and addition are not necessarily the improvement of the system, but may happen frequently to be the reverse. The practical result of laws should be well observed, the evil and the good which attend their provisions, for there is scarcely any institute which is not subject to objections. It may be easy to provide a remedy, but it often happens that those objections can only be removed by the introduction of new and greater ones. We shall always have to submit to some inconvenience, for nothing human is perfect, and the judgment has constant exercise to determine the comparative magnitude of evils which exist, and those which would be introduced by an attempt to remove them. In civil as well as in moral things the tree is known by its fruits. When institutions become moderately perfect, the changes to be made in them ought to be few and far between. They will be received with greater veneration with every successive year which is added to their existence, their antiquity will become a shield to them, their operations will have been long felt and afforded satisfaction; and what is of infinite consequence, they will be more generally and better known.—Frequent change of the laws is liable to the serious objections that it necessarily produces ignorance of the laws. There is such intimate or remote connexion subsisting between laws which have been passed in successive periods of time, that by the repeal or modification of one, others are affected or impaired, but in such a manner as may easily elude the vigilance of the lawgiver, but being discovered afterwards, and an attempt made to provide for it a complexity and confusion is introduced which frequently embarrasses even professional men, and are utterly unintelligible to persons in common life. These considerations should hasten the perfection of our laws to the highest attainable point, and then they should be permitted to receive only few and obvious amendments—retain those that operate well, and correct the defective with a sparing and cautious hand. These reflections and labors belong peculiarly to your department, and are safely confided to your wisdom and patriotism. In discharge of the duty which devolves on this Department, I do not think it necessary at present, to make but few, if any, special suggestions, in regard to the laws.

The Commissioners appointed at the last session to examine, value,

Class, and select 400,000 acres of relinquished land in the Tennessee valley, which were given to this state by the Congress of the United States, for the purpose of improving the navigation of the Tennessee and other rivers in this state, are understood to have made a return to the Register, and that the land office has been opened for the entry of the lands. As far as I have been able to understand the proceedings, I think the Commissioners have in some degree misapprehended the instructions of the act under which they were appointed, but if any mistake has been committed, I am certain that it was altogether inadvertant and unintentional as there can be no doubt of the high honor, integrity, and intelligence of the Board of Commissioners. Under this impression, however, I consider it my public duty to bring the subject to your notice, that your superior wisdom may more correctly determine. It appears that the commissioners examined the land, assessed a value on it, and selected 400,000 acres, but at the same time they only classed 261,238.59 acres, reporting what is termed in the return *unclassed land* to the amount of 138,756.12, which being added to the classed lands, make an aggregate of 400,000 acres, (lacking only a small quantity,) which the Commissioners term *selected land*. The unclassed lands composing a part of the 400,000 acres as mentioned above are returned by the Commissioners valued at various prices less than a dollar and a quarter per acre. From an attentive perusal of the 4th, 5th, and 6th sections of the act, it will appear that the Commissioners failed to perform what the act required them to do, and adopted a course of proceeding which the act does not authorize. The act requires the Commissioners to examine the land, to assess its value and class it, "according to the classes and standard of valuation" established by the act, and when the examination of the whole was completed, to select 400,000 acres, which they might deem of the greatest value, and to return a list of the same, together with the *class* in which every particular tract may have been arranged, to the Register of the land office. The classes were three in number, the whole 400,000 acres were to be included in these classes, and the lowest or most inferior class was not to be valued at less than the minimum price of the lands of the United States. But the Commissioners have not classed the whole of the 400,000 acres, nor have they valued the most inferior class of the selection, at a price not less than the minimum price of the lands of the United States. The distinction of *unclassed lands*, composing at the same time a part of the 400,000 acres selected, was made by the Commissioners, not only unauthorized by the act, but in direct opposition to its express requirements. If the whole of the selection was required to be classed, how could it be in conformity to the requirement, that a portion of it should be returned *unclassed*? The value of the lowest or most inferior class is evidently independent of all examination and is fixed by the act itself; and the valuation of the Commissioners in that class gave them only the power of requiring from \$1.25, the minimum price of the lands of the United States, to three dollars, the minimum of the next class under the act, according as the lands to be arranged in that lowest class, might differ from each other in real and intrinsic value. The Commissioners are required to make a return to the Register of the whole 400,000 acres, together with the class and the price affixed to each particular tract. It would seem that the Commissioners could not have made the return to the Register which the law requires, for how could they state the class of the whole, when the whole had not been classed? Can the Register legally open his of-

vice for the entry of the lands until a legal return is made to him? He is required to notify the Land office at Huntsville, and the Commissioner of the General Land office at Washington city what lands have been selected, and to make a fair copy of the return of the Commissioners, "shewing the price and class of each particular tract of land according to its true valuation." How can the Register make this copy when the return has not furnished the means? It is possible that the words "according to its true valuation" which occur only in the 7th section, may have tended to mislead the Commissioners, but it must always be remembered that the act itself subjects the true valuation, at least in the lowest class, to the standard of valuation which it has established. But if it be contended otherwise, and that the true valuation is to be considered the means of determining what lands shall compose even the lowest class, a still greater difficulty awaits us, and the return of the Commissioners itself will shew, that it is impossible to carry the act into effect, and that there is not 400,000 acres in the six enumerated counties, which can be divided into three classes, the lowest class of which may be truly valued at \$1.25 per acre. The law has not been complied with, or it is impossible to comply with it, either of which cases would prove equally fatal to the validity of what has been done. If the act cannot be carried into effect, it is a mere trial or experiment; if it can be carried into effect, but has not been, it still remains to be done by a suitable effort. The Commissioners according to their own return have not been able to find 400,000 acres which can be classed into three classes according to the standard of valuation, as the act requires to be done. In this event had the Commissioners any power to adopt a remedial or substituted course at their own discretion, and would a return made under such circumstances authorize the Register to open his office for the entry of the Lands? The return contemplated by the law seems not to have been made to the Register, although a return has been made to him, and much as it is to be regretted, the whole proceeding appears to be irregular and invalid. If this should be the determination to which the wisdom of both houses will arrive, a remedy may be provided by an explanatory act, and the Commissioners who have performed the laborious duty of the examination, and are in possession of the necessary memoranda might be again directed to assemble to class the whole of the land and fix the value under the direction of such explanatory act. The difficult part has been fully performed, the error, if any, only applies to the arrangement of the results. The measure has so far proved unaccomplished and whatever has been done admits of any correction which the honor or interest of the state, consistent with due justice and liberality towards the occupants of the land, may require. Those who have already entered lands may receive a return of their money until the arrangements for entry may become regular and complete. The General Assembly cannot be bound by any thing which has been done by their agents unless it be in conformity to instructions, and powers which were given as in this case, by a public law of the land. No citizen can avail himself, morally or legally, of benefits derived from the violation of such a law.

It is proper here to observe, that the proceedings under the act have not been considered entirely satisfactory either at home or abroad. So far as can yet be learned, the impression prevails, that the land has been valued too low, and this impression may so extend and gather strength, that it will finally affect and do violence to the liberal spirit in the Congress of the United States which prompted the donation. From the pe

culiar circumstances of the case, the reputation of the state is liable to be involved, and nothing should be left undone which may place the perfect integrity and honor of the state in the clearest light. The state was anxious that the donation should prove beneficial to the full extent of its worth, and denoted its value to be assessed in this way, most likely to ascertain its real value. If an auction sale had been resorted to, then the charge might have been made of extensive and interested combinations to bid off the land below its value. It is very certain that even here, the lands were anticipated to be far more valuable, than they would be found to be upon a full and careful examination, and this misapprehension would be still more likely to prevail, even to a greater extent, in other places. The State had the difficult business to perform of disposing of property, to the satisfaction of parties in interest, upon which an unreasonable estimate had been placed. Under all the circumstances of the case, the reasonable presumption is, that the lands have not really been valued too low, but the reputation of the state demands that the inquiry should be made. It seems to me that the subject is still open for the exercise of the discretion of the General Assembly, that something must still be done to carry the act into effect, and that the proceedings on it have been irregular and inconclusive. If errors have gone abroad, or are entertained at home, the honor of the state requires that they should receive all the correction of which they may be susceptible. The agency of the state in regard to this liberal donation, should be placed beyond censure, and if possible above all suspicion. The utmost integrity has influenced its councils, and they must not be suspected of any obliquity. I beg leave to recommend this important subject to the earliest consideration of the General Assembly. With regard to the best mode of applying the funds to the accomplishment of the work, which will doubtless receive your most attentive consideration, I only think it necessary to renew the recommendation which I had the honor to make at the last session of the General Assembly.

The affairs of the Bank of the State of Alabama will claim a due portion of your attention. Every facility of operation, every means of security, and every form of public encouragement should be afforded to this interesting Institution which is the common property of the people of the State, and confided to the care and protection of the Representatives. Its public benefits are sensibly felt, not only in its currency and accommodations, but in the safe deposit and constant improvement of all our public funds. From a knowledge of its transactions, and the course of its business, I am fully persuaded, that it will be expedient, either this year, or as soon as possible, to establish an office of it in the city of Mobile. The Tennessee Valley also, as has been frequently suggested, presents an important locality for an office of the Institution. It is unnecessary to go into details on this subject, as you will have the means of obtaining the fullest information from the highest sources. The condition of the Bank is prosperous, and it still promises to realize all the hopes and expectations of the country. A communication was made to the principal capitalists of the United States on the subject of the loan, but without an opportunity of making a satisfactory arrangement. A future period, it is thought, will be more favorable if the State should be inclined to obtain the loan.

I hope I may be permitted again to press on the attention of the General Assembly, the insufficiency of the salaries now received by the Judges of the State, the Attorney General, and the Solicitors. It were superfluous, certainly, to descant on the public importance of these

state officers; the administration of justice, and the able prosecution of public offenders, are known to be at the foundation of all our civil prosperity, and without these, our institutions, however wise and beneficent, would fail to produce their legitimate results. It is evident that the labors of the Judges are becoming more arduous, and that the public have a constantly increasing interest in the due discharge of the duties which devolve on them. The compensation should be such as to satisfy the reasonable expectations of the best legal talents, and the highest integrity which we can command. We cannot expect to have the benefit of distinguished services unless we reward them by moderate and suitable acknowledgements. The Judges should receive a sum at least sufficient to make a decent and suitable provision for their families, as they are almost entirely prevented from attending to their private concerns, by the continual demands of public duty. It cannot, surely, be unworthy of your attention, to adopt such measures as will insure the best services in future, and at the same time retain those which we have the good fortune already to possess. The office of a solicitor, I am persuaded, is much underrated, at least, the compensation would seem to justify such an opinion. As they are the legal organs of the State, in a difficult and important branch of its service, they should possess high character and qualifications. We cannot always expect to have such men at the compensation now allowed; a shade of discredit, at least the idea of non-importance is thrown on the office by the amount of the salary. Something should be done to raise it to the dignity which ought to belong to it. The salary should be made at least double what it is now. I have no doubt that it would be highly expedient to require them to attend the sessions of the legislature, with the per diem pay of the members. Their presence would be very necessary in all impeachments, as counsel learned in the law, and they could always greatly aid and expedite legislative business. Their services at all times would far exceed the amount of their compensation.

At the last session of the General Assembly, a strong but temperate memorial was addressed to the government of the United States, on the subject of the last tariff imposed on imported articles. It is hoped that more mature reflection, as well as the experience of many places, will have combined to produce the conviction, that it threatens the country in general with many evils, without producing even the common share of insulated benefits, which frequently attend even bad measures. Its impolicy, injustice and unconstitutionality, may be truly said to become every day more apparent. It would seem to have had its principal spring in desires and passions of our nature, which are certainly the least respectable, and are more likely to produce feelings of just indignation, than to conciliate or reconcile. Judicious and temperate efforts for the constitutional repeal of this obnoxious measure, should in no wise be intermitted; the argument, if argument can still have place, should be more full, and the tone more earnest. In the mean time no expedient should be left unessayed the more fully to counteract it. The dictates of honorable interest, as well as the love of country, not that sickly and contracted sentiment, which can only embrace the small circle of our own selfish pursuits, but that which is the offspring of enlarged benevolence and generous philanthropy, should prompt us to do away as speedily as we can this pernicious error.

I feel it my duty to recommend to your attention a revision of the criminal laws of the state, not with a view to introduce new sanctions,

but to insure the proper application of those which are already provided. It too frequently happens that criminals, especially those who are affluent, influential, or who have many friends, escape the punishment which is due to their crimes. It is painful to hear the remark, that it is difficult to convict such a criminal, however clearly his guilt may be established. The present mode of obtaining the jury seems to be principally chargeable with the fault. I consider it every way too little guarded, and affording more evidence of undistinguishing clemency, than of that human wisdom which embraces with equal care the rights of the accused, and the demands of social justice. In most of our forms of criminal prosecution, derived principally from other times, may be seen more of the ancient caution and struggles of liberty against power and oppression, than of those well balanced and reciprocal institutes, which are required in a more improved and safe state of society. I know it may be difficult to devise a system to which no plausible objection can be made, but doubtless your careful deliberations may provide a better one than that now in use.

The policy adopted by the executive government of the United States towards the Indian tribes residing within the limits of this and other states, has been officially announced to this department, a copy of which will be laid before you. It seems alike calculated to do justice to the States, and to promote the best interest and happiness of the Indians. There can be but little doubt of its ultimate and speedy success.

The buildings of the University, in which the State cannot but take the deepest interest, are progressing very handsomely, and will be ready for occupation, as soon as the other arrangements for the commencement of the institution can be made. Here again the services of the State Architect are highly necessary and valuable. It is fondly hoped, that the style of the buildings, the materials, and workmanship, will fully meet the expectations of the state, and prove every way suited to the great objects to which they are to be devoted.

The case of the quo warranto against the Tombeckbe Bank, was decided at the last session of the Supreme Court, in favor of the Bank. Able counsel was employed on the part of the State, whose report will be submitted to you so soon as it may be received.

The accounts heretofore remaining unsettled between this State and the State of Mississippi, have been finally adjusted. The State of Mississippi has transferred and forwarded to this department, the bonds of the defaulting tax-collectors, who resided within the limits of this State, (then a territory,) at the time of its separation from the State of Mississippi, and they have been placed in the hands of the Comptroller of public accounts, that the proper steps may be taken for their collection. Some of them are perfectly good, and it is hoped that from two to three thousand dollars may be collected on them.

The following appointments were made during the recess of the General Assembly, viz: William B. Wallace, Judge of the County Court of Lauderdale county, in the place of William S. Fulton, resigned; William I. Mason, Judge of the County Court of Limestone county, in the place of Daniel Coleman, resigned; George Bowie, Judge of the County Court of Conecuh county, in the place of John Dean, removed; Roddy Smith, Judge of the County Court of Fayette county, vice John McConnell, resigned; and David Murphree, Judge of the County Court of Walker county, vice S. D. Read, resigned. I have just received the resignation of John Elliott, Esq. late Solicitor of the first Judicial Circuit, which I have the honor herewith to transmit you.

In closing this communication, I am filled with peculiar emotions of respect, affection and gratitude while I contemplate the near dissolution of the relation which I have sustained towards the General Assembly for the last four years. On every occasion I have experienced the kindest indulgence. I have been encouraged by the most liberal support, and in my feeble attempts to serve the country have met with all proper co-operation. These grateful recollections cannot be erased from my memory. To the people I owe a debt of gratitude which can never be fully discharged. Towards you my ardent wishes are that you may merit and receive the highest rewards in the service of your country, that its honor and interests may prosper in your hands. May the blessing and guidance of heaven attend you in the transaction of the public business in which you are about to be engaged.

JOHN MURPHY.

Mr Mead moved that the communication lie on the table till Thursday next, which was carried. Ordered that one thousand copies thereof be printed for the use of this house.

Mr Fearn obtained leave to introduce a bill to be entitled, an act to suspend the sale of the lands granted to the State of Alabama for the purposes of internal improvement, which was read a first time. Mr Fearn then moved that the rule requiring bills to be read on three several days, be dispensed with, and that it receive a second reading forthwith, which was lost, there not being a constitutional majority voting in its favor. Yeas 47, nays 22. The yeas and nays being desired, those who voted in the affirmative are,

Messrs Speaker, Acklen, Baker, Banks, Barclay, Bates, Bradford, Brodnax, Brown, Clark, Cole, Cook, Curtis, Fearn, Fitts, Flournoy, Forrest, Greene, Grigsby, Hester, King, Lawler, Mardis, Massey, McElderry, Mead, Mims, Mobley, Moore, Morrisett, Murphree, Parsons, Penn, Perkins, Philpot, Rather, Robinson, Ross, Roulston, Russell, Ship, Smith, Taylor, Van Dyke, Weissinger, Williams, Young, 47.

Those who voted in the negative are Messrs Bibb, Byrnes, Coleman, Conner, Coopwood, Craig, Dennis, Durrett, Ellis, Goldthwaite, Hodges, Horton, Hudson, Jackson, Jones, Lane, Liggon, Metcalfe, Pope, Richardson, Roysdon, Ward, 22.

The bill was then ordered to a second reading on to-morrow.

Pursuant to a resolution of the House, Mr Speaker proceeded to appoint the following standing committees, to wit:

A committee on Privileges and Elections, consisting of Messrs Penn, Weissinger, Coopwood, Brown, Greene, Jones, Rather, and Roulston.

A committee on Propositions and Grievances, consisting of Messrs Weissinger, Hudson, Russell, Hays, Fitts, Curtis, Craig, Dennis, and Rather.

A committee on Enrolled Bills, consisting of Messrs Ellis, Brodnax, Liggon, Morrisette, Acklen and Banks.

A committee on Inland Navigation, consisting of Messrs Bibb, Cole, Cook, Dennis, Flournoy, Forrest, Horton, Barclay, and Hester.

A committee on Roads, Bridges, and Ferries, consisting of Messrs Forrest, Hays, Durrett, Lawler, Hodges, Jackson, Bates, Bradford, Brown, Metcalfe, and Murphree.

A committee on Ways and Means, consisting of Messrs Goldthwaite, Penn, Fearn, Mobley, Williams, Conner, Mims, and Ross.

A committee on the Military, consisting of Messrs Tayler, Dale, Massey, Mead, Smith, Perkins, Young, King, and Philpot.

A committee on the Judiciary, consisting of Messrs Parsons, Mardis, Coleman, Ellis, Pope, Roysdon, Young, Goldthwaite, and Van Dyke.

A committee on County Boundaries, consisting of Messrs Clark, Weissinger, Van Dyke, Richardson, Ross, Goldthwaite, Flournoy, and Conner.

A committee on Education, consisting of Messrs Fearn, Young, Williams, Parsons, Mardis, Oliver, Pope, Forrest, and Grigsby.

A committee on Accounts, consisting of Messrs Young, McElderry, Ward, Byrnes, Lane, and Banks

A committee on Divorce and Alimony, consisting of Messrs Mardis, Robinson, Mims, Russel, Jones, and Ship.

A committee on lands appropriated for internal improvement, consisting of Messrs Moore, Fearn, Parsons, Mardis, Bibb, Craig, Taylor, and Conner.

A committee on the State Bank, consisting of Messrs Perkins, Goldthwaite, Mardis, Clark, Coopwood, Forrest, and Craig.

A committee on Public Printing, consisting of Messrs Williams, Baker, Robinson, Flournoy, and Ellis.

A committee on the State Capitol, consisting of Messrs Coleman, Williams, Banks, and Coopwood.

A committee on Indians and affairs in relation to lands in possession of Indians within the chartered limits of this State, consisting of Messrs Bibb, Parsons, Goldthwaite, Clark, Young Penn, and Grigsby.

And then the House adjourned until to-morrow morning at 10 o'clock.

Wednesday, Nov. 18, 1829.—The House met pursuant to adjournment.

On motion of Mr Clark, *Resolved*, that William B. Francis, the editor of the Claiborne Herald be admitted to a seat within the Hall for the purpose of taking notes of the proceedings of this House for publication.

Mr Moore presented the petition of David Brexton praying the passage of a law to emancipate a certain slave therein named, which was read and referred to the committee on propositions and grievances.

Mr Hudson presented the petition of sundry inhabitants of Franklin county praying that Eleazer Hargett may retail spirits without a license, which was read and referred to the committee on propositions and grievances.

Mr Taylor presented the petition of sundry inhabitants of Dallas county praying the removal of an election precinct therein named, which was read and referred to a select committee consisting of Messrs Taylor, Van Dyke, and Cole.

A message from the Senate by Mr Lyon. Mr Speaker: The Senate concur in the Resolution of the House of Representatives, proposing that the two Houses will proceed on to-morrow in joint meeting in the Representative Hall, to examine, enumerate, and ascertain the votes given at the last general election for Governor of this state, and to decide and determine on said election, and have amended the same by inserting the words "at 11 o'clock, A. M. so as to proceed on to business to-day at that hour," in which amendment they desire the concurrence of the House. Mr Bibb moved that the House concur in said amendment, which was lost. Mr Forrest moved that it lie on the table, which was carried.

Mr Craig presented the petition of John Simpson and Thomas Simpson, praying the passage of a law, to emancipate a certain slave therein named, which was read and referred to the committee on propositions and grievances.

Mr Hudson presented the memorial of George M. Taylor, praying compensation for attending court as a witness, in the case of the State against David M. Smithson, which was read and referred to the committee on propositions and grievances.

Mr Hudson presented the memorial of Allen C. Thompson and wife, praying the passage of a law to emancipate a certain slave therein named, which was read, and referred to the committee on propositions and grievances.

Mr Bibb called up the petition of Jesse Lott; it was then referred to the committee on propositions and grievances.

Mr Mobley presented the account of the jailer of Clarke county, which was read and referred to the committee on accounts.

On motion of Mr Coopwood, *Resolved*, that a special committee be appointed to inquire into the manner by which the commissioners appointed by an act of the last General Assembly, to select, class and value four hundred thousand acres of land, donated to this State for internal improvement, have discharged their duty; and whether they made such returns to the register as required by the act, by which they were appointed; and whether any fraud or semblance of fraud appears from their official conduct; and any other information in relation to the valuation, classification, or selection of said land, that said committee may think proper to a full and fair investigation of the subject; and said committee shall have full power and authority to send for persons and papers; whereupon Messrs Coopwood, Penn, Parsons, and Mardis, were appointed said committee.

Mr Hudson presented the account of the sheriff of Franklin county, which was read and referred to the committee on accounts.

Mr Mead presented the account of the jailer of Blount County, which was read and referred to the committee on accounts.

Mr Hudson presented the accounts of the sheriff and jailer of Franklin county; which were severally read and referred to the committee on accounts.

Mr. Hudson presented the account of D. Ferguson, (printer) which was read and referred to the committee on accounts.

On motion of Mr. Ligon, *Resolved*, that the judiciary committee be instructed to inquire into the expediency of establishing a separate supreme court, with leave to report by bill or otherwise.

The bill entitled an act to suspend the sale of the lands granted to the State of Alabama, for the purposes of internal improvement, was read a second time. Mr Coopwood moved that it be committed to the judiciary committee, which was lost. Mr Mead, who voted in the majority on Mr Coopwood's motion, moved to re-consider the vote, which was lost. Mr Coopwood then moved to lay it on the table till the first day of March next, which was lost. Mr Parsons moved to amend the first section by striking out all after the word "until" with a view to insert the following: "the first day of January next, unless farther postponed by law, and that thereafter all persons entitled to pre-emption rights under the provisions of said act, shall be allowed until the first day of April next, unless farther postponed by law, to avail themselves of the benefit and privilege of said act, and that no interest shall accrue upon any of the money due for said land, from this date until the first day of January next." Mr Hudson moved to strike out all that part of the amendment in relation to interest on monies, which was lost. Mr Coopwood moved to strike out the words "unless farther postponed by law, which was lost. The question was then put on the adoption of Mr Parson's amendment, and carried.—Yeas 62—Nays 10.

The yeas and nays being desired, those who voted in the affirmative are Messrs Speaker, Acklen, Baker, Banks, Barclay, Bates, Bibb, Bradford, Brodnax, Brown, Byrnes, Clarke, Cole, Conner, Cook, Craig, Curtis, Dale, Dennis, Darrett, Fearn, Fitts, Forrest, Goldilwaite, Green, Grigsby, Hester, Jackson, Jones, King, Lawler, Mardis, Massey, McElderry, Meade, Metcalfe, Mims, Mobley, Moore, Morrisette, Murphree, Oliver, Parsons, Penn, Perkins, Philpott, Pope, Rather, Richardson, Robinson, Ross, Roulston, Roysden, Russel, Ship, Smith, Taylor, Van Dyke, Ward, Weissinger, Williams and Young—62.

Those who voted in the negative are Messrs Coleman, Coopwood, Ellis, Flournoy, Hays, Hodges, Horton, Hudson, Lane Ligon—10.

Mr Durrett then moved that the bill lie on the table, which was lost.—Yeas 15—Nays 56.

The Yeas and Nays being desired, those who voted in the affirmative are Messrs Bibb, Coleman, Coopwood, Craig, Durrett, Goldthwaite, Hays, Hodges, Horton, Hudson, Lane Ligon, Metcalfe, Pope, and Roysdon.

Those who voted in the negative are Messrs. Speaker, Acklen, Baker, Banks, Barclay, Bates, Bradford, Brodnax, Brown, Clarke, Cole, Conner, Cook, Curtis, Dale, Dennis, Ellis, Fearn, Fitts, Flournoy, Forrest, Green, Grigsby, Hester Jackson, Jones, King, Lawler, Mardis, Massey, McElderry, Mead, Mims, Mobley, Moore, Morrisette, Murphree, Oliver, Parsons, Penn, Perkins, Philpott, Rather, Richardson, Robinson, Ross Roulston, Russell, Ship, Smith, Taylor, Van Dyke, Ward, Weissinger, Williams, and Young—56.

Mr Coopwood moved that the bill be referred to the judiciary committee, which was lost.

Mr Fearn then called for the previous question. Mr Flournoy inquired whether it would be in order to amend the bill by striking out Mr Parsons' amendment, and whether such a motion would have precedence of the call for the previous question. Mr Speaker decided in the affirmative, from which decision Mr Bibb appealed to the House, on that part of Mr Flournoy's motion which proposed to strike out the amendment; whereupon the House reversed the decision of the Chair. Mr Parsons who voted in the majority on the adoption of the amendment, moved to reconsider the vote, which was lost. Mr Penn then moved that the rule requiring bills to be read on three several days be dispensed with, that the bill be considered as engrossed, and read a third time forthwith, which was lost, there not being a constitutional majority voting in favor of the motion—Yeas 53—Nays 19.

The yeas and nays being desired, those who voted in the affirmative are Messrs Speaker, Acklen, Baker, Banks, Barclay, Bates, Bradford, Brodnax, Brown, Byrnes, Clarke, Cole, Conner, Cook, Curtis, Dennis, Dale, Fearn, Fitts, Forrest, Green, Grigsby, Hester, Jackson, Jones, King, Lawler, Mardis, Massey, McElderry, Mead, Mims, Mobley, Moore, Morrisette, Murphree, Parsons, Penn, Perkins, Philpott, Rather, Richardson, Robertson, Ross, Roulston, Russell, Ship, Smith, Taylor, Van Dyke, Weissinger, Williams and Young—58.

Those who voted in the negative are Messrs Bibb, Coleman, Coopwood, Craig, Durrett, Ellis, Flournoy, Goldthwaite, Hays, Hodges, Horton, Hudson, Lane, Ligon, Metcalfe, Oliver, Pope, Roysdon and Ward—19.

The bill was then ordered to be engrossed and read a third time to-morrow.

Mr. Taylor presented the petition of Frederic Wistict, praying the passage of a law to emancipate certain slaves therein named, which was read and referred to the committee on propositions and grievances.

Mr. Parsons called up the resolution proposing that the two houses will proceed on to-morrow, (to day,) in joint meeting in the Representative Hall, to examine, enumerate and ascertain the votes given at the last election for Governor of this State. Mr Clark moved that it lie on the table until Monday next, which was lost. Mr Rather moved that the further consideration thereof be postponed until to-morrow, which was carried.

Mr Coopwood offered the following resolution: *Resolved*, That his Excellency be requested to lay before this House, all evidence, whether in writing or otherwise, in relation to the manner in which the commissioners appointed to select, class and value the four hundred thousand acres of land donated to this state for internal improvement, have dis-

charged their duty, and all evidence of mismanagement on their part, if any, misconstructions of the act under which they were appointed, as well all evidence in relation to any injury that the character of the State may have sustained, if any, by the acts of the General Assembly or the commissioners. Mr Fearn moved to amend it by striking out the word "donated," with a view to insert the word "granted," which was carried. Mr Parsons moved to amend by striking out all after the word "duty," which was carried. Mr Mead moved that the further consideration of the resolution be postponed until Monday next, which was carried.

Mr. Robinson offered the following resolution: *Resolved*, that this House will, with the consent of the Senate, meet in the Representative Hall, on Monday next, at three o'clock, P. M. for the purpose of electing solicitors for the first and sixth judicial circuits; and also, judges of the county courts, for the counties of Limestone, Conecuh, Lauderdale, Fayette and Walker. Mr Conner moved that the resolution lie on the table, which was carried.

The bill entitled an act to increase the pay, and the more effectually to provide for the payment of the jurors for the county of Montgomery, was read a second time. Mr Baker moved that it be referred to a select committee, which was carried: Whereupon Messrs Baker, Goldthwaite and Roysdon were appointed said committee.

On motion of Mr Parsons: *Resolved*, That the judiciary committee be instructed to inquire of the propriety of securing the estates of females against the debts of husbands, contracted before marriage, and of husbands contracted after marriage, except for necessities for the husband, wife and family; and of protecting husbands against the debts contracted by wives before marriage, except out of the wife's estate, with leave to report by bill or otherwise.

Mr Dennis obtained leave to introduce a bill, to be entitled an act to change the mode of compensating jurors in the county of Pike, which was read a first time, and ordered to a second reading to-morrow.

On motion of Mr Roysdon: *Resolved*, That the judiciary committee be instructed to inquire into the expediency of passing a law mitigating the punishment for the crime of forgery, and that they have leave to report by bill or otherwise.

Mr Moore offered the following resolution: *Resolved*, That a committee be appointed to inquire into the expediency of establishing an office of discount and deposite, or branch bank of the State Bank, in some place in the Tennessee valley, with leave to report by bill or otherwise. Mr Clark moved to amend the resolution, by inserting the words "the committee on the State bank;" which was carried. The resolution as amended was then adopted.

Mr Mead offered the following resolution: *Resolved*, That the committee of ways and means be instructed to inquire into the expediency of reducing the per diem pay of the members of the General Assembly, and officers thereof. Mr Parsons offered the following amendment: "Provided a separate supreme court be established the present session of the General Assembly," which was carried. Mr Coopwood moved that the further consideration thereof be postponed till the 15th day of December next, which was carried.

On motion of Mr Penn: *Resolved*, That the judiciary committee be instructed to inquire into the expediency of establishing a penitentiary in this State, and how far it will be necessary to amend the criminal law,

in the event of such an establishment, and that they report by bill or otherwise.

On motion of Mr Parsons: *Resolved*, That the judiciary committee be instructed to inquire whether, under the law of this State, debtors upon judgments in civil causes of the district court of the United States, in the southern or northern district of this State, can by law be confined in the jails of the several counties of this State; and if so, whether said law ought not to be repealed or modified, with leave to report by bill or otherwise.

On motion of Mr Craig: *Resolved*, That the judiciary committee be instructed to inquire into the expediency of passing some law more effectually to prevent the evil practice of betting on elections.

On motion of Mr Roysdon: *Resolved*, That the judiciary committee be instructed to inquire into the expediency of passing a law, allowing writs of error in criminal cases, and report by bill or otherwise. And then the House adjourned till nine o'clock to-morrow morning.

Thursday, Nov. 19, 1829.—The House met pursuant to adjournment.

Mr Murphree presented the account of the sheriff of Blount county, which was read and referred to the committee on accounts.

Mr Pope presented the petition of sundry inhabitants of Lauderdale county, praying to change the route of the State road leading from Florence to Athens, in Limestone county; which was read and referred to the committee on roads, bridges and ferries.

Mr Curtis presented the record and proceedings of the circuit court of Conecuh county, exercising chancery jurisdiction, in the case of Benjamin Jonnigan against Elizabeth Jonnigan, for divorce, which was read and referred to the committee on divorce and alimony.

Mr Mobley presented the account of the sheriff of Clarke county, which was read and referred to the committee on accounts.

Mr Coleman presented the memorial of John and Delila his wife, persons of color, accompanied by the certificate of sundry citizens of Madison county, praying the passage of a law to emancipate said John and Delila, which was read and referred to the committee on propositions and grievances.

Mr Forrest obtained leave to introduce a bill, to be entitled an act to alter the times of holding the county courts of Jefferson county, which was read a first time, and ordered to a second reading to-morrow.

Mr Durrett presented the petition of Gabriel Butler, praying the passage of a law to legitimate certain children therein named, which was read and referred to a select committee, consisting of Messrs Durrett Acklen, and Craig.

Mr Coopwood presented the account of the sheriff of Lawrence county, which was read and referred to the committee on accounts.

Mr Curti presented the account of the jailer of Conecuh county; also, the account of James Finklea, late sheriff; and also, the account of William Lea, sheriff of Conecuh county, which were severally read and referred to the committee on accounts.

Mr Fitts presented the accounts of the sheriff of Washington county, which were severally read and referred to the committee on accounts.

Mr Bates presented the account of the sheriff of Mobile county, which was read and referred to the committee on accounts.

Mr Bates presented the petition of Jason Moye, praying the passage of a law to emancipate a certain slave therein named, which was read and referred to the committee on propositions and grievances.

Mr Bates presented the petition of Richard Field, accompanied with the certificate of sundry citizens of the city of Mobile, praying the passage of a law to emancipate a certain slave therein named, which was read and referred to the committee of propositions and grievances.

Mr Bates presented the petition of Henry King, praying the passage of a law to emancipate certain slaves therein named, which was read and referred to the committee on propositions and grievances.

Mr Curtis presented the petition of sundry inhabitants of Covington county, praying to change an election precinct therein named, which was read and referred to the committee on privileges and elections.

Mr Craig presented the petition of sundry inhabitants of Lauderdale county, praying to change an election precinct therein named, which was read and referred to the committee on privileges and elections.

Mr Byrnes presented the petition of Fennin Trienier, praying the passage of a law to emancipate a certain slave therein named, which was read and referred to the committee on propositions and grievances.

Mr Byrnes presented the petition of Henry A. Bodin; also, the petition of Rene Raphael, praying the passage of a law to emancipate certain slaves therein named, which were severally read and referred to the committee on propositions and grievances.

Mr Morrisette presented the accounts of Henry M. Abney and Jennings R. Holland, which were severally read and referred to the committee on accounts.

Mr Mardis offered the following resolution: *Resolved*, That the judiciary committee be instructed to inquire into the expediency of passing a law abolishing imprisonment for debt, with leave to report by bill or otherwise. Mr Forrest offered the following amendment: "unless the plaintiff will make affidavit, that the debtor has fraudulently transferred his property, for the purpose of evading the payment of his debts;" which was adopted. The resolution as amended was then adopted.

Mr Cook obtained leave to introduce a bill, to be entitled an act further to regulate the compensation of witnesses, which was read a first time, and ordered to a second reading to-morrow.

Mr Grigsby offered the following resolution: *Resolved*, That with the concurrence of the Senate, the two houses will assemble in the hall of the House of Representatives, on Saturday next, at the hour of twelve o'clock, for the purpose of electing a State Printer. *Ordered*, That said resolution lie on the table.

On motion of Mr Pope: *Resolved*, That the committee on roads, bridges and ferries, be instructed to inquire into the expediency of so modifying the law respecting the establishment of ferries, as to make it necessary for any person applying for an order to establish a new ferry within two miles of an old one, to give the owner of the old ferry fifteen days notice.

On motion of Mr Green: *Resolved*, That the judiciary committee be instructed to inquire into the expediency of making some provision by law, for the payment of those persons who may be appointed by the judge or judges of the several circuit and county courts in this State, to inspect the clerk's office of such court, and to compare the records with the papers filed in the several suits in such court, and report the state of the office of such clerk to the court, with leave to report by bill or otherwise.

On motion of Mr Durrett: *Resolved*, That this House will, at eleven o'clock to-morrow, proceed to elect a committee of three members, to act with such committee as may be appointed on the part of the Senate, to examine the situation of the State Bank, according to an act of the General Assembly, in such case made and provided.

Mr Roulston obtained leave to introduce a joint resolution, asking the establishment of a land office in Bellefonte, in Jackson county, which was read a first time, and ordered to a second reading to-morrow.

On motion of Mr Coopwood: *Resolved*, That the Secretary of State be requested to lay before this house, the returns of the different sheriffs from their respective counties of this State, shewing the number of votes for and against the proposed amendment to the constitution thereof, limiting the tenure by which judges hold their office to six years.

Mr Ligon obtained leave to introduce a bill to be entitled an act concerning the dismissal of suits at common law; which was read a first time, and ordered to a second reading to-morrow.

Mr Brodnax obtained leave to introduce a bill, to be entitled an act prescribing the mode of trying contested elections of certain officers, which was read a first time, and ordered to a second reading to-morrow.

On motion of Mr Mobley: *Resolved*, That the committee on the State Bank be instructed to inquire into the expediency of establishing a branch of the State Bank in the city of Mobile, with leave to report by bill or otherwise.

On motion of Mr Rather: *Resolved*, That the Senate be invited to be present in the hall of this House, at eleven o'clock, to witness the publication and enumeration of the votes for Governor.

A message was received from the Governor, by Mr Abbott, which is as follows:

EXECUTIVE DEPARTMENT, *November 18th, 1829.*

To the Honorable the Speaker and Members of the House of Representatives.

GENTLEMEN,—I have just received from the sheriff of Morgan county, the information that his Honor, Stephen Heard, judge of the county court, had departed this life on the 13th instant. It is suggested that an early appointment will be convenient to the county, as the regular period for the commissioners' court will be on the first Monday in December next.

I have the honor to be, most respectfully,

(Signed.)

JOHN MURPHY.

Ordered, That said communication lie on the table.

Mr Van Dyke offered the following resolution: *Resolved*, That the committee on the State Bank be instructed to inquire into the expediency of establishing a branch bank of the State Bank in the town of Selma. Mr Goldthwaite moved to amend the resolution by adding the words "or Montgomery," which was carried. Mr Cook moved that the resolution lie on the table, which was carried.

On motion of Mr Pope: *Resolved*, That the committee on privileges and elections be instructed to inquire if the present law regulating the contested elections of members of the legislature, does not require some amendment, and to report by bill or otherwise.

The engrossed bill, entitled an act to suspend the sale of the lands granted to the State of Alabama, for the purposes of internal improvement, was read a third time. Mr Coopwood moved to amend the bill by way of the following engrossed rider: "*Provided*, that this act shall not be in force until the tenth day of December next," which was lost. Mr Craig then moved to lay the bill on the table, till Monday next, which was lost. Mr Coopwood moved that the bill be referred to the judiciary committee, which was lost. Mr Durrett moved to amend the bill by way of the following engrossed rider: "*Provided*, That the third section of this act shall not be so construed as to extend farther than the first day of January next; which was lost. Mr Coopwood moved that the bill lie on the table

till three o'clock, which was lost. Mr Ligon moved to amend the bill by the following engrossed ryder: "*And be it further enacted*, That nothing in this act contained shall be so construed as to prevent the register from issuing certificates for all lands which have been properly classed." Mr Coopwood moved to amend Mr Ligon's amendment, by way of the following: "and that three commissioners learned in the law shall be appointed by this General Assembly, to attend at the land office in Courtland, with full power and authority to examine all the books of said office, and determine what acts of the late land commissioners have been legal, and what are not so, and cause the said office to be closed against the entry of any and all illegal claims, subject to entry any time, by any person or persons, before the 1st day of January next, and all legal claims to enter land in said office, founded on legal decisions of the said commissioners, shall be and remain subject to entry at any time, not prohibited by the act providing for the sale of the four hundred thousand acres of land, granted to this state for internal improvement;" which was lost. The question was again on the adoption of Mr Ligon's amendment, and lost.—Yeas 14—Nays 56.

The yeas and nays being desired, those who voted in the affirmative are, Messrs Bibb, Coleman, Coopwood, Craig, Durrett, Goldthwaite, Hodges, Horton, Hudson, Lane, Ligon, Metcalfe, Pope, and Roysdon—14.

Those who voted in the negative are, Messrs Speaker, Acklen, Baker, Barclay, Bates, Bradford, Brodnax, Brown, Byrnes, Clarke, Cole, Conner, Cook, Curtis, Dale, Dennis, Ellis, Fearn, Fitts, Flournoy, Forrest, Green, Grigsby, Hays, Hester, Jackson, Jones, King, Lawler, Mardis, Massey, McElderry, Mead, Mims, Mobley, Moore, Morrisette, Murphree, Parsons, Penn, Perkins, Philpott, Rather, Richardson, Robinson, Ross, Roulston, Russell, Ship, Smith, Taylor, Van Dyke, Ward, Weissinger, Williams and Young—56

And the question being put, Shall this bill pass? it was determined in the affirmative. Yeas 56—Nays 15.

The yeas and nays being desired, those who voted in the affirmative are Messrs. Speaker, Acklen, Baker, Banks, Barclay, Bates, Bradford, Brodnax, Brown, Byrnes, Clarke, Cole, Conner, Cook, Curtis, Dale, Dennis, Ellis, Fearn, Fitts, Forrest, Green, Grigsby, Hays Hester, Jackson, Jones, King Lawler, Mardis, Massey, McElderry, Mead, Mims, Mobley, Moore, Morrisette, Murphree, Parsons, Penn, Perkins, Philpott, Rather, Richardson, Robinson, Ross, Roulston, Russell, Ship, Smith, Taylor, Van Dyke, Ward, Weissinger, Williams and Young—56.

Those who voted in the negative are Messrs Bibb, Coleman, Coopwood, Craig, Durrett, Flournoy, Goldthwaite, Hodges, Horton, Hudson, Lane, Ligon, Metcalfe, Pope and Roysdon—15.

Ordered, That the title be as aforesaid. *Ordered*, That the same be sent to the Senate for their concurrence.

A message from the Senate by Mr. Lyon. *Mr. Speaker*—I am instructed to inform the House of Representatives, that the Senate have read three several times, and passed a "bill to be entitled an act, making appropriation for the payment of certain claims against the State of Alabama"—in which they desire the concurrence of the House. They concur in the resolution of your honorable body, inviting them to be present in of the hall the House to day, to witness the publication and enumeration of votes for Governor.

On motion of Mr Williams: *Resolved*, That the Senate be now informed that this House is now ready to receive them for the purpose of ascertaining the votes given at the last general election for Governor.

A bill from the Senate, entitled an act making appropriation for the payment of certain claims against the State of Alabama, was read a first

time. Mr Mardis moved that the rule requiring bills to be read on three several days, be dispensed with, and that it be read a second time forthwith, which was carried. It was then read a second time forthwith. Mr. Coopwood moved that it be referred to the committee on accounts, which was lost. Mr Mardis moved that the rule requiring bills to be read on three several days be further dispensed with, and that it be read a third time forthwith, which was lost. It was then ordered to a third reading on to-morrow. And then the House adjourned till half past two o'clock.

Evening Session, half past 2 o'clock.—The House met pursuant to adjournment. On motion *Ordered*, by the Speaker, That Messrs Pope, Lane and Fearn, be added to the committee appointed on Mr Coopwood's resolution, to inquire into the conduct of the land commissioners, &c.

On motion *Ordered*, by the Speaker, That Messrs Grigby, Parsons and Hester be added to the military committee.

Ordered, That Messrs Lawler, Williams, Baker, Robinson, Jones, Ligon, Oliver, Young, Metcalfe, Fearn, Taylor, Ship, Cole, Grigsby and Hays, be added to the committee on county boundaries,

On motion *Ordered*, by the Speaker, That Messrs Pope, Conner and Fearn be added to the committee on inland navigation.

On motion, *Ordered* by the Speaker, That Mr Ligon be added to the judiciary committee.

On motion *Ordered*, by the Speaker, That Mr Coopwood be added to the committee on roads, bridges and ferries.

On motion *Ordered*, by the Speaker, That Mr Acklen be added to the committee on education.

On motion of Mr Mims, *Resolved*, That this house request the Senate to be present in the hall of the House of Representatives to witness the publication of the returns of the vote for Governor, and that the House is now ready to receive them for that purpose. The Senate having repaired to the hall of the House of Representatives, and having taken their seats, Mr Speaker proceeded to open and publish the returns from the several counties from which returns had been received, which, having been done, Mr Speaker declared Gabriel Moore, Esq. to have received ten thousand, nine hundred and fifty-six votes. Mr Speaker, therefore, arose and announced that Gabriel Moore was duly and constitutionally elected Governor of the State of Alabama for the ensuing two years, and then the Senate withdrew.

On motion of Mr Moore, *Resolved*, That a committee be appointed on the part of this House, to act with such committee as may be appointed by the Senate to wait on the Honorable Gabriel Moore, and inform him that he is duly elected Governor of the State of Alabama, and that he be requested to inform this House when it will be convenient for him to take the oaths of office. Whereupon Messrs Moore, Bibb and Goldthwaite were appointed said committee.

A bill entitled an act to change the mode of compensating jurors in the county of Pike was read a second time, and ordered to be engrossed for a third reading to-morrow.

A message from the Senate, by Mr Lyon. *Mr Speaker*—The Senate have adopted the following resolution, in which they desire your concurrence: *Resolved*, That a committee of two members be appointed on the part of this House, to act jointly with such committee as may be appointed on the part of the House of Representatives, to inform his Excellency Gabriel Moore of his election, to the chief magistracy of this State, and to inquire of him when it will be convenient for him to take the oath

of office. They have appointed on their part Messrs Smith and Hogan. In which resolution Mr Bibb moved that the House concur, which was carried. Whereupon Messrs Moore, Bibb and Goldthwaite, were appointed said committee.

The House then resolved itself into a committee of the whole House on the Governor's message, Mr Clark in the chair, and after some time spent in the consideration of the same, Mr Speaker resumed the chair, and Mr Chairman reported progress, and leave was asked to sit again, which was granted.

Mr Speaker laid before the House communications from Samuel Pickens, Esq. which are as follows :

COMPTROLLER'S OFFICE, *Tuscaloosa*, Nov. 18, 1829.

The Honorable Speaker of the House of Representatives of the State of Alabama.

SIR,—In obedience to an act of January 12th, 1827, requiring the Comptroller of public accounts to lay before both Houses of the General Assembly, annually, in the first week of its session, a full expose of the disbursements made from the contingent fund, to whom paid, and for what services. I have the honor to present the enclosed statements, marked A. I am very respectfully, Sir, your obedient servant,

(Signed)

SAMUEL PICKENS.

Mr Taylor moved that the communication and accompanying document lie on the table, which was carried.

COMPTROLLER'S OFFICE, *Tuscaloosa*, November 19, 1829.

The Honorable Speaker of the House of Representatives of the State of Alabama.

SIR,—In obedience to a resolution of the House of Representatives of the 17th instant, directing the comptroller of public accounts to furnish the House with a statement, shewing the amount of rents received for the public ferry, the property of the State; the amount received for rents of the lands of the State, with the number of acres rented; and also, the amount of rent received for the public buildings in the town of Cahawba—I have the honor to submit the following statement :

The amount of money received into the treasury, arising from the rents of the ferries in the town of Cahawba up to this time, is five hundred and fifteen dollars, (\$515). The amount received on the account of the rents of lands within the Cahawba grant, is seven hundred and eighty-two dollars, and thirty eight cents. (\$782.38) The amount of bonds in suit for the rents of ferries, is three thousand and eighty-seven dollars, (\$3087). The amount of bonds in suit for the rents of lands is two hundred and seventy three dollars, (\$273).

From the enclosed copy of a receipt, given by the intendant of the town council of Cahawba, marked A. it will be seen that bonds to a considerable amount, for the rents of lands and ferries in the Cahawba tract, were transferred to the town council for the purpose of defraying the expenses of building the bridge over the Cahawba river, in conformity with an act of the Legislature of the 16th June, 1821. No money has been received on account of the rent of the public buildings in the town of Cahawba. The commissioners appointed to take charge of the lands and property belonging to the State within the limits of the town of Cahawba, have furnished this department with no data of the number of acres rented.

I have the honor to be, very respectfully, your obedient servant,

(Signed)

SAMUEL PICKENS.

Mr Taylor moved that the communication with the accompanying document lie on the table, which was carried. And the House journeyed till 10 o'clock to-morrow.

Friday, November 20, 1829.—The House met pursuant to adjournment. Mr Speaker laid before the House a communication from the President of the Bank of the State of Alabama, which is as follows:

BANK OF THE STATE OF ALABAMA, Tuscaloosa, Nov. 19th, 1820.

To the Hon. John Gable, Speaker of the House of Representatives.

Sir—Agreeably to the provisions of the 12th section of an act entitled "an act to establish the Bank of the State of Alabama," I have the honor to lay before that branch of the General Assembly over which you preside, the annual statement in relation to the said Bank, to wit:—Capital stock of the Bank, \$463,690 69 3 4; Notes in circulation, \$438,451; Money on deposit, \$118,625 72; Debts due the Bank, \$614,137 51; Property real and personal, \$19,587 16; Cash and Bills of Exchange, \$463,728 22 1 4; for the further information of the General Assembly, I beg leave to communicate the accompanying document, which exhibits the result of the operations of this institution for the last twelve months, ending the 9th inst. and also a statement shewing the profits of the Bank, each year, since its establishment, all of which is respectfully submitted, By order of the Board,

JNO. L. TINDALL, *Pres't. &c.*

AN ABSTRACT of the annual settlement of the books of the Bank of the State of Alabama, for the year ending 9th day of November, 1829.—Made under the direction of the President and Directors.

	1875	1876	1877	1878	1879	Total
Gain. By discount, 59,900 dollars 33 cents; by premiums, 1755 dollars 75 cents; by interest, 3,909 dollars 66 cents, and by profit and loss including 3,689 dols. 58 cts., paid from said account to the University fund, on the 26 May last, being a half year's interest on same,						\$50,845 00
Loss. For expenses of the institution for 12 months, ending this day,						5,577 62
Balance on which dividends are declared equally in proportion to stock,						45,267 38
Equal dividend on six per cent loan—stock, at 93.4 per cent for 12 months ending this day,				\$100,000		
“ “ University fund,				128,654 56		9,750 00
“ “ Three per cent fund,				87,794 74		12,541 80
“ “ Seat of Government fund,				53,455 61		8,559 99
“ “ Revenue fund,				93,785 64		5,211 94
Interest paid to sixteenth sections at 6 per cent to this date,						9,144 10
Unappropriated balance left to credit of profit and loss,						10 74
Fishburements						46 81
Dividend declared to the revenue fund as above, and taken to credit of revenue fund,				9,144 10		45,267 38
Gain to same by the University fund being restricted to 6 per cent interest,				4,594 59		50,845 00
“ “ Six per cent loan,				3,750 00		
Dividend declared and this day paid to the three per cent fund,						17,888 69
“ “ Seat of Government fund,						8,559 99
Interest paid to the sixteenth sections at 6 per cent to this date,						5,211 94
“ “ 100,000 dollars specie loan for 12 months ending the 1st October last,						10 74
“ “ University fund this day,						6,600 09
Current expense account paid in full for						7,549 21
Balance,						5,577 62
						46 81
						50,845 00

Statement showing the gross gain of the Bank each year since its establishment and how disposed of.

	1875	1876	1877	1878	1879	Total
Three per cent fund,	5,091 40	6,087 71	9,568 06	8,559 99	29,297 22	
Seat of Government fund,	3,059 85	3,978 73	5,983 45	5,211 94	0,773 98	
University fund,	4,439 69	5,827 96	6,730 99	7,549 21	27,661 34	
Six per cent loan,	6,000 00	6,600 09	6,000 00	6,000 69	30,000 00	
Expenses,	7,768 84	8,439 49	8,029 99	7,493 61	5,577 62	9,259 54
Revenue fund,	9,741 14	11,915 48	13,975 69	17,888 69	6,196 77	
	16,822 67	33,811 43	38,770 51	56,351 84	99,787 43	158,543 45

10 74

46 81

857 55

BANK OF THE STATE OF ALABAMA, Tuscaloosa, 9th Nov. 1829.

J. B. COOK, Cashier.

Mr Craig moved that the communication and accompanying document lie on the table, and that one thousand copies thereof be printed for the use of this House, which was carried.

Mr Speaker laid before the House the account of Benjamin Dorman, Sheriff of Greene county, which was read and referred to the committee on accounts.

Mr Ship presented the account of the Sheriff of Fayette county, which was read and referred to the committee on accounts.

Mr. Jones presented the petition of sundry inhabitants of Bibb county, praying that Perry county may be attached to said county, which was read and referred to the committee on county boundaries.

Mr. Bradford presented the memorial of Adam Shiffeild, sen. praying for establishing a fair at his house, in the county of St. Clair, which was read and referred to the committee on ways and means.

Mr Moore presented the accounts of the jailer of Madison county, which were severally read and referred to the committee on accounts.

Mr Richardson presented the petition of sundry inhabitants of Greene and Marengo counties, praying the passage of a law to authorize lands to be apportioned to the road from Demopolis to Erie, who reside within ten miles of the general course of said road, which was read and referred to a select committee consisting of Messrs Richardson, Hays, and Conner.

Mr. Acklen presented the petition of Nathaniel D. Snoddy, praying the passage of a law to emancipate a certain slave therein named, which was read and referred to the committee on propositions and grievances.

Mr Mims presented the record and proceedings of the circuit court of Baldwin county, exercising chancery jurisdiction, in the case of John Fowler against Hannah Fowler, for divorce, accompanied with the petition of said Fowler, which were severally read and referred to the committee on divorce and alimony.

Mr Mobley presented the petition of sundry inhabitants of Clarke county, praying the passage of a law to compel free persons of color to work on the parade grounds in the districts to which they belong, and to keep the same in good condition for the convenience of the citizens who do military duty, which was read and referred to the military committee.

Mr Conner presented the petition of James H. Irons, accompanied with the petition of sundry inhabitants of Marengo county, praying the passage of a law to emancipate certain slaves therein named, which was read and referred to the committee on propositions and grievances.

Mr. Bates presented the petition of sundry inhabitants of the city and county of Mobile, praying to change the place of holding elections for state and county, from the house of Jacob Page on Spring Hill, to the house of Jacob G. Coluns, on Spring Hill, which was read and laid on the table.

Mr Ross presented the record and proceedings of the circuit court of Wilcox county, exercising chancery jurisdiction, in the case of Elizabeth Shepherd against John Shepherd, for divorce, which was read and referred to the committee on divorce and alimony.

Mr Conner presented the petition of sundry inhabitants of Marengo county, praying the passage of a law to change an election precinct from Chiles' old place to Martha Johnson's, which was read and referred to the committee on privileges and elections.

Mr Acklen presented sundry accounts of the jailer of Madison county, which were severally read and referred to the committee on accounts.

Mr Speaker laid before the House a communication from the acting Secretary of State which is as follows:

SECRETARY OF STATE'S OFFICE, *Tuscaloosa*, November 20. 1829.
To the Honorable John Gayle, Speaker of the House of Representatives.

SIR,—In obedience to a resolution of the House of Representatives of the 19th instant. requesting the Secresary of State to lay before the House the returns of the different sheriffs from their respective counties of this state, showing the number of votes for and against the proposed amendment to the constitution thereof, limiting the tenure by which the judges hold their office to six years. I have the honor to submit herewith all the returns on file in this office. I find on file in this department copies of letters from the Secretary of State to the sheriffs of several counties, suggesting and urging alterations in their returns apparently defective, which alterations and amendments I have reason to believe have been made in accordance with such suggestions. I have the honor to be, most respectfully, your obedient ser ant,

THOS. T. ABBOTT, *Acting Secretary of State.*

Mr Coopwood moved that the communication, together with the accompanying documents, be referred to the judiciary committee, which was carried.

Mr Bates presented the accounts of Thadeus Sanford, which were severally read and referred to the committee on accounts.

Mr Moore, from the committee appointed on the part of this House to act with the committee appointed on the part of the Senate, to wait on the Honorable Gabriel Moore and inform him that he is duly elected Governor of the State of Alabama, and request him to inform the House when it will be convenient for him to take the oaths of office prescribed by the constitution and laws of this State, have performed that duty, and have received for answer, that he will attend on Saturday next, at the hour of 12 o'clock, for that purpose.

On motion of Mr Rather: *Resolved*, That a committee be appointed to wait on the Rev. Robert L. Kennon, and request him to be in attendance at the installation of his Excellency the Governor elect, for the purpose of addressing a prayer to the throne of Grace appropriate to the occasion.

Mr Coopwood obtained leave to introduce a bill to be entitled an act to prevent the further retailing of ardent spirits, which was read a first time, and ordered to a second reading to-morrow.

Mr Taylor, from the select committee to which was referred the petition of sundry inhabitants of Dallas county, reported a bill to be entitled an act to change the location of a certain election precinct therein named, which was read a first time, and ordered to a second reading to-morrow.

On motion of Mr Brodnax: *Resolved*, That the door keeper be authorized and required to procure two tables for the use of the assistant and engrossing clerks of this House: and also to procure suitable fenders for the fire places of this House, and for the rooms attached thereto, and the clerk's room.

On motion of Mr Goldthwaite: *Resolved*, that the committee on Indians and lands in the possession of Indians within the chartered limits of this State, be instructed to inquire into the expediency of extending the jurisdiction and laws of this State over all Indians and all lands in the possession of Indians within the chartered limits of this State, with leave to report by bill or otherwise.

Mr Lawler, from the select committee to which was referred a resolution instructing them to inquire into the expediency of opening a

a turnpike road from Montevallo to the line between this State and the State of Georgia, and the nearest direction to Milledgeville, reported a bill to be entitled an act to authorize John A. Chapman, Simeon Chapman, Daniel Welch and their associates, to turnpike a certain road therein named, which was read a first time and ordered to a second reading to-morrow.

On motion of Mr. Dennis: *Resolved*, That the committee of ways and means be instructed to inquire into the expediency of reducing the tax on cattle.

Mr Hudson obtained leave to introduce a bill to be entitled an act to extend the jurisdiction of the State of Alabama over all that part of the Chickasaw nation lying within the chartered limits of this State; which was read a first time and ordered to a second reading to-morrow.

On motion of Mr Richardson: *Resolved*, That the standing committees of this House be restored to their number as reported to the House on Wednesday last.

On motion of Mr Philpott: *Resolved*, That the judiciary committee be instructed to inquire into the expediency of reporting a general law, requiring the sheriffs of the several counties to summon an original venire to attend the several county courts, in the same manner as jurors are summoned to attend the circuit courts.

On motion of Mr Jackson: *Resolved*, That a select committee be appointed to take into consideration the propriety of laying out a road, commencing at or near the residence of Daniel Lewis, in Pike county, the nearest and best rout through that part of said county occupied by the Creek Indians to the Chatahoochie river, with leave to report by bill or otherwise; whereupon Messrs Jackson, Ward, and Dennis were appointed said committee.

On motion of Mr Massey: *Resolved*, That the military committee be instructed to inquire into the expediency of so amending the militia laws of this State, as to have four or more petty musters in the year, and compelling all persons subject to do military duty, who own or can procure fire arms conveniently, to carry them to all drills and musters, and of requiring non-commissioned officers to attend drill musters.

On motion of Mr Bibb: *Ordered*, That Messrs Fearn and Conner be added to the committee on inland navigation.

Mr Ward obtained leave to introduce a bill to be entitled an act to change the time of holding the circuit courts in the counties of Henry, Dale, and Covington, which was read a first time, and ordered to a second reading to-morrow.

Mr Greene obtained leave to introduce a bill to be entitled an act to repeal in part and amend an act entitled an act to establish and improve a certain road therein mentioned, approved Jan. 13th, 1829, which was read a first time and ordered to a second reading to-morrow.

On motion of Mr Ligon: *Resolved*, That the judiciary committee be instructed to inquire into the expediency of so altering the existing laws in relation to witnesses and depositions, as to make it lawful to take the deposition of witnesses who reside in this State, but more than one hundred miles from the seat of justice of the county in which the suit in which they have to testify is pending, with leave to report by bill or otherwise.

On motion of Mr Van Dyke: *Resolved*, That the judiciary committee be instructed to inquire into the expediency of passing a law compelling constables to make return of all process in their hands, before some justice of the peace in the beat where the defendant resides.

On motion of Mr. Oliver: *Resolved*, That the judiciary committee be instructed to inquire into the expediency of so altering the law, as to provide that one magistrate shall receive the relinquishment of dower, and to report upon the same by bill or otherwise.

On motion of Mr. Cook: *Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of establishing a more uniform practice in relation to judgements by default, in the circuit and county courts of this State.

On motion of Mr. Taylor: *Resolved*, That the committee of ways and means be instructed to inquire into the expediency of selling the ferry, lands, and public buildings owned by the State in the vicinity and town of Cahawba.

On motion of Mr. Baker: *Resolved*, That the committee on the State Bank be instructed to inquire into the expediency of increasing the capital stock of the State Bank four hundred thousand dollars, and that they report by bill or otherwise.

On motion of Mr. Clark: *Resolved*, That the judiciary committee inquire into the expediency of enacting a law, authorizing the circuit or county courts of this State to emancipate slaves, with leave to report by bill or otherwise.

A message from the Senate by Mr. Lyon. Mr. Speaker,—The Senate have adopted the following resolution, in which they desire your concurrence: *Resolved*, with the concurrence of the House of Representatives, That the two Houses of the General Assembly will adjourn *sine die*, on the 24th of next month, at one o'clock, P. M. unless two thirds of each House shall then be of opinion that the public good requires that they should continue longer in session.

They have also adopted the following resolution: *Resolved*, by the Senate with the concurrence of the House of Representatives, that the two houses will assemble in the hall of the House of Representatives, on Monday next, at the hour of 3 o'clock, P. M. for the purpose of going into the election of a State Printer. Mr. Lawler moved to amend the resolution in relation to the election of a State Printer, by adding after the word "Printer," the following: "whose term of service shall commence on the eighteenth day of January next," which was carried. Mr. Baker then moved that the resolution lie on the table, which was lost. The resolution as amended was then concurred in by the House.

Mr. Moore moved that so much of said message as relates to the adjournment of the General Assembly on the 24th of next month, be postponed till the 10th day of December next, which was carried.

On motion of Mr. Ellis: *Resolved*, That the committee on the State Bank inquire into the expediency of requiring the State treasurer to perform the duties of cashier of the Bank of the State of Alabama, with leave to report by bill or otherwise.

On motion of Mr. Horton: *Resolved*, That the judiciary committee be instructed to inquire into the expediency of compelling plaintiffs in suits at common law and in equity to give security for costs at the commencement of said suits, with leave to report by bill or otherwise.

A bill from the Senate entitled an act making appropriations for the payment of certain claims against the State of Alabama, was read a third time and passed. *Ordered*, That the title be as aforesaid. *Ordered*, That the clerk acquaint the Senate therewith.

A bill to be entitled an act further to regulate the compensation of witnesses, was read a second time. Mr. Conner moved that the further consideration thereof be indefinitely postponed, which was carried.

A joint resolution asking the establishment of a land office in Bellefont, was read a second time, and ordered to be engrossed for a third reading to-morrow.

A bill to be entitled an act concerning the dismissal of suits at common law, was read a second time. Mr Goldthwaite moved that the bill be referred to the judiciary committee, which was carried.

A bill to be entitled an act prescribing the mode of trying contested elections of certain officers, was read a second time and referred to the committee on privileges and elections.

A bill to be entitled an act to alter the times of holding the county courts of Jefferson county, was read a second time. Mr Forrest then moved to amend it by striking out the word "three," to insert the word "four," which was carried. It was then ordered to be engrossed for a third reading to-morrow. Mr Forrest who voted in the majority to engross and read a third time the bill, moved to reconsider the vote, which was carried. Mr Forrest then moved to amend the second section, by striking out the word "February," with a view to insert the word "March," which was carried. It was then ordered to be engrossed for a third reading to-morrow.

The engrossed bill entitled an act to change the mode of compensating jurors in the county of Pike, was read a third time and passed. *Ordered*, That the title be as aforesaid. *Ordered*, That the same be sent to the Senate for concurrence.

Mr Craig moved that Mr Pope be added to the committee on inland navigation, which was carried.

Mr Perkins moved that Mr. Williams be added to the committee on county boundaries, which was carried.

Mr Morrisett moved to add Mr Dale to the committee on county boundaries, which was carried.

Mr Acklen moved to add Mr Murphree to the committee on county boundaries, which was carried.

Mr Clark moved to add Mr Coopwood to the committee on county boundaries, which was carried.

Mr Jones moved to add a member to the committee on county boundaries. And the House adjourned till to-morrow, 10 o'clock.

Saturday, November 21, 1829.

The House met pursuant to adjournment.

On motion of Mr Bibb: *Resolved*, with the concurrence of the Senate, that a committee of two members on the part of each House, be appointed to wait on his Excellency the Governor elect, when the hour of twelve o'clock shall arrive this day, and to inform him that the two Houses are then ready to receive him in the Representative hall for the purpose of witnessing the administration of the oaths of office; whereupon Messrs Bibb and Young were appointed said committee.

Mr Fearn presented the accounts of the former jailer of Madison county, which were severally read and referred to the committee on accounts.

Mr Mobley presented the petition of Stephen Brown, praying the passage of a law to emancipate a certain slave therein named, which was read and referred to a select committee consisting of Messrs Mobley, Morrisett, and Mims.

Mr Hudson, from the committee on propositions and grievances, to which was referred the petition of Jason Moye, reported a bill to be entitled an act to authorise Jason Moye to manumit a certain slave

therein named, which was read a first time, and ordered to a second reading on Monday next.

Mr Hudson, from the committee on propositions and grievances, to which was referred the petition of Allen C. Thompson, reported a bill to be entitled an act to emancipate a certain slave therein named, which was read a first time and ordered to a second reading on Monday next.

Mr Rather, from the committee on propositions and grievances to which was referred the petition of John Simpson and Thomas Simpson, reported a bill to be entitled an act authorizing John Simpson and Thomas Simpson to emancipate a certain slave therein named, which was read a first time and ordered to a second reading on Monday next.

Mr Rather from the committee on propositions and grievances, to which was referred the petition of David Brewton, reported a bill to be entitled an act authorizing David Brewton to emancipate a certain slave therein named, which was read a first time and ordered to a second reading on Monday next.

Mr Coleman, from the judiciary committee to which was referred a resolution instructing them to inquire into the expediency of providing by law for the payment of persons appointed to inspect the clerk's offices of courts, and compare the records with the papers filed in such courts, reported, that in the opinion of this committee, it is inexpedient to legislate further upon the subject, inasmuch as, by the existing laws of this State, the judges of the county courts and commissioners of the roads and revenue have the power to make appropriations to defray all expenses incurred for county purposes; in which report the House concurred.

Mr Byrnes offered the following resolution: *Resolved*, that an additional member be appointed on the standing committee on the State Bank, which was lost.

On motion of Mr Richardson: *Resolved*, that the committee on county boundaries be instructed to inquire into the expediency, as early as possible, of so arranging the several boundaries of the counties of Wilcox, Dallas, Perry, Greene, &c. as to make natural boundaries, as far as is practicable, and report by bill or otherwise.

Mr Durrett moved that Mr Hester be added to the committee on the military, which was carried.

Mr Massey obtained leave to introduce a bill to be entitled An act to extend the jurisdiction of the State of Alabama over the Cherokee nation, which was read a first time and ordered to a second reading on Monday next.

Mr Coopwood offered the following resolution: *Resolved*, that the committee appointed to investigate the conduct of the commissioners appointed to select, value and class 400,000 acres of land, granted to this State for internal improvement, be instructed, that if it should be necessary to send for persons and papers in the course of their investigation, beyond the limits of this city, to report a resolution to this House, authorizing the appointment of a messenger to serve all subpoenas or any notices that may be necessary to a full and fair investigation of any and all subjects submitted for their investigation. Mr Penn moved that the resolution lie on the table, which was carried.

A message from the Senate by Mr Lyon. Mr Speaker: The Senate concur in the resolution of the House of Representatives appointing a committee on their part for the purpose of waiting on his Excellency the Governor elect, when the hour of 12 o'clock shall arrive this day, and to inform him that the two Houses are ready to receive him in the Representative Hall, for the purpose of witnessing the administration of the oaths

of office. A committee has been appointed on the part of the Senate, consisting of Messrs Vining and Perry. The Senate concur in the amendment made by the House of Representatives to the resolution relating to the election of a public printer.

The House again resolved itself into a committee of the whole House, on the Governor's message, Mr Clark in the chair, and after some time spent in the consideration thereof, Mr Speaker resumed the chair, and Mr chairman reported progress, and leave was asked to sit again, which was granted.

Mr Ellis from the committee on enrolled bills, reported that they have examined and found correctly enrolled, An act making appropriation for the payment of certain claims against the State of Alabama, which originated in the Senate.

On motion of Mr Bibb: *Resolved*, That the Senate be now invited to the Hall for the purpose of witnessing the installation of the Governor elect.

The Senate having repaired to the Hall of the House of Representatives, and having taken their seats, his Excellency Gabriel Moore appeared and delivered an appropriate address to both Houses, after which the oaths prescribed by the constitution were severally administered to him in due form, and then the Senate withdrew.

The House again resolved itself into a committee of the whole House on the Governor's message; Mr Clark in the chair; and after some time spent in the consideration thereof; Mr Speaker resumed the chair, and Mr Chairman reported progress, and leave was asked to sit again, which was granted.

Mr Mobley obtained leave to introduce a bill to be entitled, An act concerning forcible entry's and detainer's, which was read a first time and ordered to a second reading on Monday next.

On motion of Mr Durrett: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of passing a law authorizing defendants to compel plaintiffs to give security for payment of costs upon failure of prosecuting suits with effect in the circuit and county courts of this State.

On motion of Mr Acklen: *Resolved*, that a committee be appointed to wait on his Excellency Governor Moore, and request a copy of the inaugural address delivered by him this day to both Houses of the General Assembly, that the same may be entered on the journal of this House, whereupon Messrs Acklen, Bibb and Goldthwaite were appointed said committee.

On motion of Mr Penn: *Resolved*, that the thanks of this House be tendered to his Excellency John Murphy, for his able and faithful discharge of the duties of Governor of this State, and for the dignified, conciliatory, and respectful deportment with which his intercourse with this House has been conducted. And then the House adjourned until Monday morning 10 o'clock.

Monday, November 23, 1829.—The House met pursuant to adjournment.

Mr Goldthwaite, from the judiciary committee to which was referred a resolution to inquire whether under the laws of this state debtors upon judgments in civil causes of the district court of the United States, in the southern or northern districts of this State, can by law be confined in the jails of the several counties of this state, and if so, whether said law ought not to be repealed or modified, reported a bill to be entitled, An act to repeal in part a certain act therein named, which was read a first time and ordered to be read a second time to-morrow.

Mr Mardis from the judiciary committee to which was referred a res

lution instructing them to enquire into the expediency of passing a general law requiring the sheriffs of this state to draw a venire to attend the county courts of this state in the same manner that jurors are now drawn to attend the circuit courts, reported that it is inexpedient to legislate on the subject of the resolution. Mr Ligon moved that the report lie on the table, which was carried.

Mr Parsons made the following report: The judiciary committee to whom was referred a resolution instructing said committee to inquire into the propriety of compelling constables to make return of all process in their hands before justices of the peace in the beats in which defendants reside, respectfully report: They have had the subject under consideration, and report that by the provisions of the constitution, justices of the peace are appointed for the several counties, and the majority of the committee believe, have and exercise constitutionally, jurisdiction co-extensive with the county in which they reside, and therefore report, in the opinion of the committee, it is inexpedient to legislate now upon the subject. *Ordered*, that said report lie on the table.

Mr Roysdon, from the judiciary committee to which was referred a resolution to inquire into the expediency of passing a law abolishing imprisonment for debt, reported that it is inexpedient at present to legislate on the subject. Mr Mardis moved that the report lie on the table, which was carried.

A message from the Senate by Mr Lyon. Mr Speaker: The Senate have adopted the following resolution, in which they desire your concurrence: *Resolved*, that the Senate will, on Monday the 23d inst. at the hour of 11 o'clock, A. M. proceed to the election of a committee on the part of the Senate to act with such committee as may be elected by the House of Representatives for the purpose of examining into the condition of the Bank of the State of Alabama, pursuant to the provisions of "An act entitled an act to amend the charter of the Bank of the State of Alabama," and that the House of Representatives be informed thereof.

Mr Roysdon from the judiciary committee to which was referred the resolution to inquire into the expediency of compelling plaintiffs in suits at common law and in equity to give security for costs at the commencement of said suits, reported that it is inexpedient to legislate on the subject. Mr Horton moved that the report lie on the table, which was carried.

Mr Young from the judiciary committee to which was referred a resolution instructing them to inquire into the expediency of enacting a law authorizing circuit and county courts of this state to emancipate slaves, reported that it is inexpedient to legislate upon the subject. Mr Clark moved that the report lie on the table, which was carried.

Mr Young from the judiciary committee to which was referred a resolution instructing them to inquire into the expediency of passing a law allowing writs of error in criminal cases, reported that it is inexpedient to legislate upon that subject. *Ordered*, that said report lie on the table.

Mr Forrest from the committee on roads, bridges, and ferries, to which was referred the petition of sundry citizens of the county of Lauderdale, praying an alteration of the road established by an act of the General Assembly, passed the 13th day of January, 1826, entitled "An act to establish a permanent road from Florence, in the county of Lauderdale, to Athens, in the county of Limestone," reported a bill to be entitled An act to amend an act passed the 13th day of January, 1826, entitled an act to establish a permanent road from Florence, in the county of Lauderdale, to Athens, in the county of Limestone, which was read a first time and ordered to a second reading to-morrow.

Mr Speaker laid before the House a communication from the commissioners appointed to superintend the erection of the State Capitol, which is as follows :

To the Hon. the Speaker of the House of Representatives:

SIR,—The commissioners appointed to superintend the erection of the State Capitol, have the honor to present to that branch of the General Assembly over which you preside, the following statement of contracts entered into for workmanship and materials necessary in erecting the State Capitol since the report to the last General Assembly, the amount of money paid on each contract, and the ballance which will be due on the completion of the several contracts, to wit:

	<i>Am't of contract.</i>	<i>Am't paid</i>	<i>Unpaid Balance.</i>
No. 1. Contract with Henry Sossaman for carpenter's work and materials in putting lanthorn and cupola on dome, and balustrade all round the building, - - - - -	\$ 1150	\$1150	
No. 2. " with Henry Sossaman for covering the dome with shingles, - - - - -	234	234	
No. 3. " with John S. Fitch, for building all the stair cases, - - - - -	650	650	
No. 4. " with John S. Fitch for all the labour of joiners work, in fitting up the Senate chamber, and putting up front piece and window at south end and for sundry other works and materials, as per bill and certificate, - - - - -	1724 31	1189 31	535
No. 5. " with Edmond S. Farish, for all the carpenters and joiners work in the hall of Representatives, and including a bill for sundry other work. - - - - -	1551 75	1400	151 75
No. 6. " with John S. Gorman, for plastering a part of the State capitol, the work to be measured, and estimated to cost. - - - - -	4250	1000	3250
No. 7. " with Spicer W. Kelly, for joiners work in second and third stories of west wing. - - - - -	232	232	
No. 8. " with Daniel Grayson, for joiners work in second and third stories of east wing. - - - - -	218	100	118
No. 9. " with Robert Cairnes, for the carpenters work on porticos on north and south ends of State Capitol, and for other work and materials as per bill and certificate. - - - - -	406 78		406 78
No. 10. " with Hickemburg and Scott, for painting wood work of State Capitol and glazing, by measurement at specified prices, the work when completed is estimated to cost, - - - - -	600	175	425
No. 11. " with John Robb, for the foundations, steps, platforms and fluted columns of the porticos at the north and south ends of the building, and			

flagging part of vestibule, as per bill and certificate. - - -	2272 25		2272 25
No. 12. " with John Rial, for work and materials in stopping putlock holes, clearing out flues, and laying hearths, (partly in completion of Mortons contract.) - - -	132 62½	132 62½	
No. 13. " with Samuel B. Ewing, his bill for smith work. -	156 50	156 50	
No. 14. " with Nathan Hughes, his bill for paints, putty, &c. -	206 50	206 50	
No. 15. " with Nathan Hughes, his bill for paints, &c. - -	123 60		123 60
No. 16. " with Andrews & Brothers, for white lead and putty, -	152	152	
No. 17. " with Andrews & Brothers, for do. do. -	52 50		52 50
No. 18. " with B. Wrigglesworth, for paints, white lead, &c. -	101 26		101 26
No. 19. " with S. M. Meek & Co. for paints. - - -	3 80		3 80
No. 20. " with Elisha Shehorn, for lumber. - - -	19 17	19 17	
No. 21. " with Hardin Perkins for lumber. - - -	6	6	
No. 22. " with William Harriss, for poplar scantling. - -	17 35	17 35	
No. 23. " with Joshua Benson, for cedar posts. - - -	19 17	19 17	
No. 24. " with Southern Advocate, for advertising. - - -	2	2	
No. 25. " with William Nichols, for cedar lumber. - - -	49	49	
No. 26. " with James Pickens, for cedar lumber. - - -	105	105	
No. 27. " Samuel B. Ewing, cash for recording deed. - - -	3	3	
No. 28. " with Southern Advocate, for advertising, - - -	9	9	
No. 29. " with William Morrisson, for carpenters work on the building. -	9 37½	9 37½	
No. 30. " with John Childress, for timber for columns. - -	36	36	
No. 31. " with John Childress, for lumber. - - -	34 50	34 50	
No. 32. " with Estate of Wm. Jameson, dec'd. for lumber. -	494		494
No. 33. " with Moses Collins, for lumber. - - -	52 88	52 88	
No. 34. " with W. M. Forrister, for lumber. - - -	21 95		21 95
No. 35. " with James McCulloh, for hauling - - -	46 25	46 25	
No. 36. " with John Brandon, for			

labor in removing rubbish. -	19 50	19 50	
No. 37. " with William Morton, Jr. for building small chimney. -	15	15	
No. 38. " with William Nichols, for cash paid for removing rubbish. -	19 50	19 50	
No. 39. " with John Childress, for boring columns. - -	15	15	
No. 40. " with John D. Barr, for lumber. - - -	19 16		19 16
No. 41. " with William Owen, for removing rubbish. - -	12		12
No. 42. " with James Hogan, & Co for sundry materials. -	149 17		149 57
No. 43. " with James Mallery, for labor and materials. - -	14 65	14 65	
No. 44. " with William P. Brown, for lumber. - - -	351 80	351 80	
No. 45. " disbursements by William Nichols, for cleaning out legislative halls, &c. and removing rubbish. -	78 31		78 31
No. 46. " estimated cost of privies for State Capitol. - -	150		150
	\$15986 61	\$7622 08	\$ 8364 53
Amount of previous contracts as reported by the commissioners at the last General Assembly.	38805		
Of the last item there is balances due, to wit :			
To Wm. Morrison, for carpenters work.			66
" David Johnson, for coppering roof.			450
" John Robb, for stone work,			1737 50
" William Morton, Jr. for brick work.			3000
	\$54791 61	\$7622 08	\$13618 08

We would further respectfully represent, that in making the above statement, we have set down as paid, all amounts for which warrants have been issued; we presume a small amount of these warrants have not been paid. By an act of the General Assembly in 1826, the amount of the Seat of Government fund was appropriated for the erection of the State Capitol, and by a joint resolution in 1827, the commissioners were authorised to make contracts to the amount of fifty-five thousand dollars. We would in justice to those individuals to whom monies are due, for labor and materials furnished in the erection of the State Capitol, respectfully suggest the early passage of a law, appropriating the unappropriated balance of the fifty-five thousand dollars. It is obvious that this amount will not be competent for the completion of the building, and as regards what further sum may be necessary, we would respectfully refer you to the superintendent, the means of course remain with the wisdom and prudence of the Legislature ; all of which is respectfully submitted.

JNO. L. TINDALL,
JAMES HOGAN,
HENRY MINOR,
S. B. EWING. } Com'rs.

Tuscaloosa, Nov. 23, 1829.

Mr Penn moved that said communication lie on the table, and that 100 copies thereof be printed for the use of this House.

Mr Goldthwaite from the judiciary committee to which was referred a resolution instructing them to inquire into the expediency of so altering the law, so as to provide that one magistrate shall receive the relinquishment of dower, reported that it is inexpedient to legislate on the subject; in which report the House concurred.

On motion of Mr Moore: *Resolved*, that the committee on ways and means be instructed to inquire into the expediency of authorizing the monies arising from tavern licenses to be paid into the county treasury.

On motion of Mr Taylor: *Resolved*, that the door keeper be directed under the direction of a select committee of this House to provide carpeting for the Representative Hall, whereupon Messrs Taylor, Acklen and Penn were appointed said committee.

Mr Flournoy offered the following resolution: *Resolved*, that this House will now proceed to elect a committee of three members on the part of this House to act with such committee as may be elected on the part of the Senate to examine into the situation of the State Bank. Mr Moore moved to amend the resolution by striking out the word "now," with a view to insert the words "at 12 o'clock to-day," which was carried. The resolution as amended was then adopted.

Mr Coopwood obtained leave to introduce a bill to be entitled An act to reduce the pay of judges of the circuit courts hereafter to be elected in this State, which was read a first time and ordered to a second reading to-morrow.

On motion of Mr Mead: *Resolved*, that the doorkeeper of this House be authorized to procure locks and keys for the tables appropriated for the use of the members of this House.

Mr Hodges offered the following resolution: *Resolved*, that the joint examining committee of the State Bank, be instructed to call on the President and Directors of said Bank to report to this House the amount of money applied for from each county on general accommodation, the amount obtained thereon, the amount applied for on special accommodation, the amount discounted thereon, the amount applied for on bills of exchange, the amount obtained thereon and at what time payable. Mr Parsons moved that the resolution lie on the table, which was lost. It was then adopted.

Mr Fitts obtained leave to introduce a bill to be entitled, An act supplemental to the act establishing the Bank of the State of Alabama, and to regulate damages in transactions and operations of said Bank, which was read a first time and ordered to a second reading to-morrow.

Mr Morrisett obtained leave to introduce a bill to be entitled, An act to attach part of the counties of Clarke and Wilcox to the county of Monroe, and for other purposes, which was read a first time and ordered to a second reading to-morrow.

Mr Broadnax obtained leave to introduce a bill to be entitled, An act to emancipate a certain coloured person therein named, which was read a first time and ordered to a second reading to-morrow.

On motion of Mr Cook: *Resolved*, that the committee on the judiciary be instructed to inquire into the expediency of authorizing the orphan's court to make sales of perishable property bequeathed to infants when the interest of the legatee may require it.

On motion of Mr Roysdon: *Resolved*, that the judiciary committee be instructed to enquire into the expediency of passing an act to repeal so

much of the laws now in force as compel the judges of the circuit courts of this State to alternate, and that they have leave to report by bill or otherwise.

On motion of Mr Flournoy, *Resolved*, that the judiciary committee be instructed to inquire into the expediency of authorizing the circuit courts of this State to grant final judgement on bonds for writs of error from the county courts, with leave to report by bill or otherwise.

On motion of Mr Acklen: *Resolved*, that the judiciary committee inquire into the expediency of passing a law authorizing a part failure of consideration to be plead at law, with leave to report by bill or otherwise.

Mr Goldthwaite obtained leave to introduce a bill to be entitled, An act to regulate proceedings in certain actions of detinue, which was read a first time and ordered to a second reading to-morrow.

Mr Horton obtained leave to introduce a bill to be entitled, An act to provide for drawing and compensating jurors to attend on the county courts of Franklin and Lawrence counties, and for other purposes, which was read a first time and ordered to a second reading to-morrow.

Mr Mead obtained leave to introduce a bill to be entitled, An act to establish a turnpike road therein mentioned, which was read a first time and ordered to a second reading to-morrow.

On motion of Mr Coleman: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of so amending the laws for the relief of insolvent debtors so as to compel each debtor to deliver to the proper officer all the personal property and all the title papers which he may hold to any real estate enumerated in his schedule, and that they report by bill or otherwise.

On motion of Mr Baker: *Resolved*, that the committee on the State Bank be instructed to inquire into the expediency of limiting the amount of purchases by the State Bank of bills of exchange, and also the requiring of applicants for loans to make affidavit before some officer legally authorized to administer the same, that he has not received more than two thousand dollars from said Bank, either through himself or any one for his use, and further require the directors in all cases where application is made for a loan by any one who has never received accommodation from the Bank, to give preference to him over one who has, and who comes equally well recommended.

Mr Van Dyke offered the following preamble and resolution: Whereas the 17th section of the 4th article of the constitution, declares that the legislature shall at the session of 1828, or the first session thereafter, arrange and designate the boundaries of the several counties in this State, *Resolved*, therefore, that the committee on county boundaries inquire into the expediency of arranging and designating the boundaries of the several counties in this State, in pursuance of the said section of the constitution, so far as said committee may deem it expedient at the present session, and that said committee report by bill or otherwise.

On motion of Mr Ross: *Resolved*, That the judiciary committee be instructed to inquire into the expediency of abolishing the county court system; and establishing a court of ordinary, and that they report by bill or otherwise.

On motion of Mr Clarke: *Resolved*, That the judiciary committee inquire into the expediency of authorizing the court of roads and revenue for the several counties in this State, to fix the amount of compensation and the manner of paying the grand and petit jurors for their respective counties.

Mr Jones offered the following resolution: *Resolved*, That the committee on ways and means be instructed to inquire into the expediency of repealing the law imposing a white poll tax, with leave to report by bill or otherwise, which was adopted. Yeas 52—Nays 16.

The yeas and nays being desired, those who voted in the affirmative are Messrs Speaker, Acklen, Bates, Bradford, Brodnax, Brown, Byrnes, Clarke, Cole, Conner, Cook, Coopwood, Curtis, Dennis, Durrett, Ellis, Fearn, Fits, Flournoy, Forrest, Goldthwaite, Green, Grigby, Hester, Hodges, Hudson, Jackson, Jones, King, Lawler, Ligon, Mardis, Massey, McElderry, Mead, Metcalfe, Mims, Mobley, Murphree, Parsons, Philpott, Rather, Richardson, Roulston, Roysdon, Russell, Ship, Smith, Taylor, Van Dyke, Ward, and Williams.

Those who voted in the negative are Messrs Baker, Banks, Barclay, Coleman, Craig, Dale, Hays, Lane, Moore, Morrisett, Penn, Perkins, Robinson, Ross, Weissinger, and Young.

Mr Coopwood offered the following resolution: *Resolved*, That the committee appointed re-adopt a memorial to the Congress of the United States, asking further relief to the public land debtors, with such other matters as they might think expedient; be instructed to incorporate in said memorial a request that Congress in all cases of extending relief to public land debtors, should proportion the relief on low priced lands with that which is high; and that said committee be further instructed to ask Congress for a donation of land to all settlers residing on the public domain, or hereafter settling upon any lands of the United States, to the quantity of one quarter section. Mr Morrisett offered the following amendment: "That the committee be instructed to incorporate in said memorial, a request that a law may be passed to refund to purchasers who have paid for their lands, all beyond the price at which settlers may be permitted to enter lands at. Mr Parsons moved that the resolution with the proposed amendment lie on the table, which was carried.

Agreeably to a resolution the House proceeded to the election of a committee to examine the affairs and condition of the Bank of the State of Alabama, whereupon messrs Moore, Young, and Clarke were duly elected said Committee.

On motion of Mr Ligon: *Resolved*, That the committee on military affairs be instructed to inquire into the expediency of exempting non-slave holders from the discharge of patrol duty, with leave to report by bill or otherwise.

Mr Moore obtained leave to introduce a bill to be entitled an act to alter the name of Lazarus Maddox to that of Leigh Madding, which was read a first time, and ordered to a second reading to morrow. And then the House adjourned until half past two o'clock this evening.

EVENING SESSION, *half past 2 o'clock*.—The House met pursuant to adjournment.

Mr Clark moved to add Mr Hudson to the committee on "Indians and Indian affairs," which was carried.

Mr Clark moved to add Mr Flournoy to the same committee, which was carried.

Mr Ligon moved to add Mr Fits to the same committee, which was carried.

Mr Taylor moved to add Mr Conner to the same committee, which was carried.

Mr Russel moved to add Mr Barclay to the committee on county boundaries, which was carried.

Mr Flournoy moved to add Mr Ship to the same committee, which was carried.

Mr Mobley moved that Mr Lawler be added to the same committee, which was carried.

Mr Forrest moved that mr Brown be added to the same committee, which was carried.

On motion of mr Forrest : *Resolved*, That the committee on the State Capitol be instructed to inquire into the reason of the reverberation and confusion of sound produced by speaking in the Representative Hall, and by what means it may be remedied, and that for the purpose of facilitating their inquiries, they confer with the State Architect, and report to this House the result of their inquiries.

On motion of mr Flournoy : *Resolved*, That no addition be made to the committee on county boundaries, unless two thirds of this House agree thereto, which was lost.

On motion of mr Van Dyke : *Resolved*, That the clerk inform the Senate that the House of Representatives are now ready to receive them in the Representative Hall, for the purpose of going into the election of a State Printer. The Senate having repaired to the hall of the House of Representatives, and taken their seats, the two Houses then proceeded to the election of a State Printer. Messrs M'Guire Henry, and Walker being in nomination.

Those who voted for Messrs M'Guire, Henry and Walker are Mr President, Anderson, Conner, Crawford, Edmondson, Evans, Garth, Hogan, Hubbard, Irwin, McVay, Merriwether, Moore, Morton, Perry, Pickett, Smith, Vining, Walthall, Watkins, Wood, of the Senate — Mr Speaker, Acklen, Banks, Barclay, Bibb, Bradford, Broadnax, Brown, Byrnes, Clark, Cole, Coleman, Conner, Cook, Coopwood, Craig, Curtis, Dale, Dennis, Darrett, Ellis, Fearn Flournoy, Forrest, Goldthwaite, Greene, Grigsby, Hays, Hester, Hodges, Houston, Hudson, Jackson, Jones, King, Lane, Lawler, Ligon, Mardis, Massey, McElderry, Mead, Metcalfe, Mims, Mobley, Moore, Morrisett, Parsons, Penn, Perkins, Philpott, Pope, Rather, Richardson, Robinson, Ross, Roulston, Roysdon, Russell, Ship, Smith, Taylor, Van Dyke, Ward, Weissinger, Williams, Young.

M'Guire Henry and Walker having received a majority of votes, Mr Speaker, therefore, declared them duly elected Public Printers for the State of Alabama for the ensuing twelve months, from and after the 18th day of January next. And then the Senate withdrew.

On motion of Mr Lawler : *Resolved*, That the committee on the state of the republic be instructed to inquire into the propriety of addressing a memorial to the Congress of the United States, requesting a donation of a sufficient quantity of relinquished lands, to open a canal between the Tennessee and Coosa rivers, and for removing the obstructions in the Coosa.

Mr Williams obtained leave to introduce a bill to be entitled an act requiring the Secretary of State to make an index to the journals of the General Assembly, which was read a first time and ordered to a second reading to-morrow.

The House again resolved itself into a committee of the whole House on the Governor's message, Mr Clarke in the chair, and after some time spent in the consideration of the same, the committee rose. Mr Speaker resumed the chair, and Mr Chairman reported the following resolutions, which were concurred in and adopted by the House:

Resolved, That so much of the Governor's message as relates to the state of the laws, be referred to the judiciary committee.

Resolved, That so much of the Governor's message as relates to the best mode of applying the funds arising from the sale of the lands granted to this State by Congress, for the purpose of improving certain rivers within the same, be referred to a joint committee of both houses of this

Legislature, and that the committee on "inland navigation," be said committee on the part of this House.

Resolved, That so much of the Governor's message as relates to the legality of the proceedings of the commissioners appointed to select, class, and value the 400,000 thousand acres of land granted to this State for internal improvement; so much as relates to the legality of opening the Register's office, for the entry of those lands; and so much as relates to the extent to which the State is bound by the acts of said commissioners and the register of said office, be referred to the judiciary committee.

Resolved, That so much of said message as relates to the sale of said lands, and the management of the fund arising therefrom, be referred to the committee on lands appropriated for internal improvement.

Resolved, That so much of said message as relates to the conduct of the commissioners, in selecting classing and valuing the said lands, and making return to the register, be referred to the select committee appointed for the purpose of examining into and investigating that subject.

Resolved, That so much of said message as relates to the State Bank, and the establishment of offices of the same, be referred to the committee on the State bank.

Resolved, That so much of said message as relates to the State Capitol, be referred to the committee on the State Capitol.

Resolved, That so much as recommends a revision of the criminal laws particularly, be referred to the judiciary committee.

Resolved, That so much of said message as relates to an increase of the salaries of circuit court judges and solicitors, and so much as recommends certain additional duties to be required of the latter, be referred to the judiciary committee.

Resolved, That so much of said message as relates to the tariff, be referred to the committee on the state of the republic.

Resolved, That so much of said message as relates to the Indians within the limits of the State, be referred to the committee on Indians and Indian affairs, &c.

Resolved, That so much of said message as relates to the buildings of the University, be referred to the committee "on education."

Resolved, That so much of said message as relates to the settlement of accounts between this State and the State of Mississippi, be referred to the committee on accounts.

On motion of Mr Lawler: *Resolved*, That the committee on ways and means be instructed to inquire what compensation is now allowed by law to assessors and tax collectors for assessing and collecting taxes for county purposes, and whether it may not be necessary to pass a law more particularly defining the compensation of said officers for the services aforesaid, with leave to report by bill or otherwise.

Mr Ligon moved that mr Hudson be added to the committee on accounts, which was carried.

Mr Speaker laid before the house a communication from the Secretary of State, which is as follows:

Secretary of State's Office, Nov. 23, 1829.

THE Honorable the Speaker of the House of Representatives.
SIR: In obedience to a resolution of the House of Representatives of 17th instant, directing the Secretary of State to furnish the House with the proceedings of a general court martial convened at Claiborne in March last, for the purpose of determining a contested election for major general of the 4th division of the militia of this State, and all matters there-

with connected, I have the honor of submitting the accompanying papers. I have the honor to be, Sir, your obedient servant.

Hon John Gayle.

J. I. THORNTON.

Mr Taylor moved that said communication and accompanying documents lie on the table, which was carried. And then the House adjourned till to morrow morning 10 o'clock.

Tuesday Nov. 24, 1829.—The House met pursuant to adjournment.

Pursuant to a resolution of the House, Mr Speaker appointed a committee on the state of the republic, consisting of Messrs Goldthwaite, Parsons, Acklen, Fearn, Young, Penn, Ellis, Mards, Forrest, Ligon, Flournoy, Pitts, Eibb, and Baker.

Mr Young presented the petition of sundry citizens of Perry county, praying the passage of a law to establish an academy in said county, near the town of Marion in said county, which was read and referred to a select committee, consisting of Messrs Young, Van Dyke and Clark.

Mr Lane presented the account of the jailer of Limestone county, which was read and referred to the committee on accounts.

Mr Richardson, from the select committee to which was referred the petition of sundry citizens of the counties of Marengo and Greene, in relation to a certain road therein named, reported, that the prayer of the petitioners is unreasonable and ought not to be granted. In which report the House concurred.

Mr Coopwood called up the resolution relative to the investigation of the conduct of the land commissioners. Mr Parsons then moved that it lie on the table, which was carried.

Mr Clark offered the following resolution: *Resolved*, That for the remainder of this session, this House will convene at half past 9 o'clock, in the morning, and continue in session till half past 2 in the afternoon, and if no objection be made, and if the orders of the day shall be disposed of, the Speaker shall adjourn the House until half past 9 o'clock the succeeding day: *Provided*, that it shall be competent to the House to adjourn at an earlier hour on motion as usual, but the names of the mover and seconder shall be entered on the journal, together with the time of day when said motion is made: *And provided*, that the House may convene on the same day after the hour of adjournment above mentioned, whenever they may think proper, which was lost.

A message from the Senate by Mr Lyon. Mr Speaker: The Senate have adopted the following resolution, in which they desire your concurrence: *Resolved*, That a committee be appointed on the part of the Senate, to act jointly with such committee as may be appointed on the part of the House of Representatives, to examine the returns of sheriffs from their respective counties, and count the votes relative to the alteration of the constitution, in fixing a limited period to the tenure of the judges, and report to their respective Houses. They have appointed on their part messrs Smith, Perry, and Garth.

Mr Goldthwaite offered the following resolution: *Resolved*, That a select committee be appointed to inquire into the expediency of addressing the President of the United States, and respectfully requesting him to remove from office the present agent of Indian affairs for the Creek nation of Indians, with leave to report an address, &c. Mr Baker moved that the further consideration of said resolution be postponed till Saturday week next, which was carried.

Mr Flournoy obtained leave to introduce a bill to be entitled an act to authorize Wm. Johnson, sen. to make titles to lots sold by the com.

missioners of the town of Pickens, in Pickens county, which was read a first time and ordered to a second reading to-morrow.

On motion of Mr Coopwood: *Resolved*, That a committee of three members be appointed on the part of this House, to act jointly with such committee as may be appointed on the part of the Senate, to examine the returns of the several sheriffs from the different counties in this state, shewing the number of votes in their respective counties for and against the proposed amendment to the constitution, limiting the tenure by which the judges hold their offices to six years, with instructions to report to this House whether said returns are made in accordance with the constitution and laws of this state. Whereupon Messrs Coopwood, Parsons, and Conner were appointed.

On motion of Mr Craig: *Resolved*, that the military committee be instructed to inquire into the expediency of passing some law defining the manner of fixing the regimental muster ground; as also to establish by law the days on which battalion and regimental musters and courts martial shall be held, with leave to report by bill or otherwise.

On motion of Mr Fearn: *Resolved*, That the judiciary committee be instructed to report to this House a bill more effectually to suppress what are called "change bills," should they deem the same expedient.

Mr Philpott offered the following resolution: *Resolved*, That the committee on the state of the republic, draft a memorial to the Congress of the United States, praying a relinquishment of title on the part of the United States, to the State of Alabama, to all the refuse lands within said State, which has been subject to entry since the year 1825, for the purpose of raising a fund for the establishment of primary schools within the several counties where said land may be situated. Mr Durrett moved to amend the resolution by striking out the words "1825; with the view to insert the words "1817." Mr Baker moved that the resolution lie on the table, which was lost. The question again was on Mr Durrett's motion to strike out, and carried. Mr Durrett then moved to fill the blank with the words "1817," which was carried. Mr Fearn moved to amend the resolution with the following: "or that in the event that the donation shall not be made, that Congress will adopt such measures as will favor the speedy entry and settlement of said lands;" which was carried. Mr Lawler moved to amend it by striking out the word "title," with a view to insert "claim," which was carried. It was then adopted.

On motion of Mr. Taylor: *Resolved*, That the military committee be instructed to inquire into the expediency of making it the duty of the Governor to review the militia once during his constitutional term of service.

Mr Hodges offered the following resolution: *Resolved*, That a select committee be appointed to inquire into the expediency of changing the time of convening the General Assembly of this State from the third Monday in November to the first Monday in said month, with leave to report by bill or otherwise. Mr Lawler moved to amend the resolution by striking out the word "first," with a view to insert the "fourth," which was lost. Mr Russell moved that the further consideration of said resolution be postponed to the 25th of December next, which was carried.

On motion of Mr Flournoy: *Resolved*, That the judiciary committee be instructed to inquire, whether under the last census, so much of the second section of the last act of the General Assembly dividing the state into Senatorial districts, as constitutes one Senatorial district of the counties of Pickens, Fayette, and Marion, and one Senatorial district of the county of Franklin, be not in contravention of the constitution of

this State; and whether, under the provisions of the said constitution, the counties of Pickens and Fayettee ought not to compose one Senatorial district, and the counties of Franklin and Marion another Senatorial district; and if, in the opinion of the said committee so much of said section as aforesaid, be contrary to the provisions of the constitution, whether the present General Assembly have the power during its present session to make any alteration or amendment of the section aforesaid, touching the premises, with leave to report by bill or otherwise.

On motion of Mr Williams: *Resolved*, That the judiciary committee be instructed to inquire into the expediency of amending the law in relation to appeals taken from trials before justices of the peace requiring the party appealing to file an affidavit stating that he, she, or they have a good cause of defence to make, or have some payment or set off which has not been allowed, and that the appeal is not prayed for the purpose of delay, before the appeal shall be granted by the justice of the peace.

Mr Van Dyke offered the following resolution: *Resolved*, That the committee on privileges and elections be instructed to inquire into the expediency of passing a law changing the time of holding the general election of members to the General Assembly, from the first Monday in August to the first Monday in June, with leave to report by bill or otherwise. Mr Hudson moved to postpone the further consideration thereof to the 25th of December next, which was lost. Mr Moore moved to amend it by striking out June, with a view to insert July, which was carried. The resolution was lost.

Mr Massey obtained leave to introduce a bill to be entitled an act to amend an act passed at the last session of the General Assembly, extending the jurisdiction of the State of Alabama over the Creek Nation, which was read a first time. Mr Conner moved that the bill lie on the table, which was carried.

Mr Williams offered the following resolution: *Resolved*, That the door keeper be instructed to procure two stoves, and have the same put up at the most convenient places in the hall of the House of Representatives, for the comfort of the members. Mr Coopwood moved to lay it on the table, which was carried.

Mr Baker offered the following resolution: *Resolved*, That the committee on the state of the republic be instructed to report to this House a suitable remonstrance protesting against the rights claimed by the General Government to prohibit white citizens of this State settling on the waste lands claimed by Indian tribes, and lying within the chartered limits of this State. Mr Baker moved to postpone the consideration of the resolution till Saturday next, which was carried.

A bill to be entitled an act to prevent the further retailing of ardent spirits, was read a second time. Mr Morrisett proposed a substitute in lieu thereof. Mr Ligon proposed the following amendment: after the words "ardent spirits, where it first occurs, insert "wine, beer, or other liquor." The bill with the proposed amendments was then referred to the committee on ways and means, to consider and report thereon.

A bill to be entitled an act to change the location of a certain election precinct therein named, was read a second time and referred to the committee on privileges and elections.

A bill to be entitled an act to authorize John A. Chapman, Simeon Chapman, Daniel Welch and their associates, to turnpike a road therein named, was read a second time, and referred to a select committee consisting of Messrs Mardis, Brodnax, and Lawler.

A bill to be entitled an act to extend the jurisdiction of the State of Alabama, over all that part of the Chickasaw nation lying within the chartered limits of this State, was read a second time, and referred to the committee on Indians and Indian affairs.

A bill to be entitled an act to change the times of holding the circuit courts in the counties of Henry Dale and Covington, was read a second time, and referred to the judiciary committee.

A bill to be entitled an act to repeal in part and amend an act entitled an act, to establish and improve a certain road therein mentioned, approved January 13th 1829, was read a second time. Mr Cook moved that it be referred to a select committee which was carried. Whereupon Messrs Cook, Green, and Curtis were appointed said Committee.

Engrossed joint resolution asking the establishment of a land office in Bellefonte, was read a third time. Mr Mardis moved that it be referred to a select committee, whereupon Messrs Mardis, Russell, and Roulston were appointed said committee.

Engrossed bill entitled an act to alter the times of holding the county courts of Jefferson county, was read a third time and passed. *Ordered*, That the title be as aforesaid. *Ordered*, That the same be sent to the Senate for concurrence.

Bills of the following titles, to wit: an act to authorize Jason Moyer to manumit a certain slave therein named; an act to emancipate a certain slave therein named; an act authorizing John Simpson and Thomas Simpson to emancipate a certain slave therein named; an act authorizing David Brewton to emancipate a certain slave therein named, were severally read a second time, and referred to the committee on the state of the republic.

A bill to be entitled an act to extend the jurisdiction of the state of Alabama over the Creek nation, was read a second time, and referred to the committee on "Indians and Indian affairs."

A bill to be entitled an act concerning forcible entries and detainers was read a second time and referred to the judiciary committee.

A bill to be entitled an act to repeal in part a certain act therein named, was read a second time. Mr Ellis moved that it lie on the table, which was carried. And then the House adjourned till 10 o'clock A. M.

Wednesday, Nov. 25, 1829.—The House met pursuant to adjournment.

Mr Cook presented the petition of the judge of the county court and commissioners of revenue and roads of Butler county, praying the passage of a law to grant the taxes and retail licences, &c. to the counties where the same are collected, which was read and referred to the committee on ways and means.

Mr Acklen presented the petition of Isham Burk, a pauper, which was read and referred to the committee on propositions and grievances.

Mr Perkins presented the petition of the inhabitants of the 16th section, township 20, range No. 5 west of Huntsville, praying that the commissioners in said township retain in their hands the monies arising from the sales thereof, which was read and referred to a select committee, consisting of Messrs Perkins, Richardson and Clark.

Mr Forrest presented the petition of sundry inhabitants of Walker county, praying the passage of a law to authorize Thomas Payne and his associates, to open a turnpike road from Weedon's old place in Blount county, to Walker court house, which was read and referred to the committee on roads bridges and ferries.

Mr Rather Presented the petition of T. W. M'Carty, a justice of the

peace for Morgan county, praying compensation for services rendered, which was read and referred to the committee on propositions and grievances.

Mr Parsons presented the account of the jailer of Monroe county, which was read and referred to the committee on accounts.

Mr Baker presented the petition of the citizens of the 16th section, township No. 17, range 20, praying the passage of a law to authorize the commissioners of the said 16th section, to hold an election for a sale or no sale of said section, which was read and referred to a select committee consisting of Messrs Baker Goldthwaite and Brodnax.

Mr Speaker laid before the House the certificate of John Morrast, touching the freedom of a negro man named Jim Fennaen, which was read and referred to the committee on the state of the republic.

Mr Taylor, from the military committee to which was referred a resolution instructing them to inquire into the expediency of passing a law defining the manner of fixing the regimental muster grounds, as also to establish by law the days on which battallion and regimental musters and courts martial shall be held, reported that it is inexpedient to pass such a law; in which report the House concurred.

Mr Durrett, from the select committee to which was referred the petition of Gabriel Butler, reported a bill to be entitled an act to legalize the rites of matrimony between Gabriel Butler and Mary Littrel, which was read a first time and ordered to a second reading to-morrow.

Mr Cook, from the select committee to which was referred the bill entitled an act to repeal in part and amend an act, entitled an act to establish and improve a certain road therein mentioned, approved January 13th, 1829, reported the bill without amendment. It was then ordered to be engrossed for a third reading to-morrow.

Mr Goldthwaite obtained leave to introduce a bill to be entitled an act to establish the county of ———, which was read a first time. Mr Speaker moved that the further consideration of the bill be postponed to the first day of March next, which was lost. It was then ordered to a second reading to-morrow.

On motion of Mr Conner: *Resolved*, That the committee on inland navigation be instructed to inquire into the expediency of passing a law to establish a board for inland navigation whose duty it shall be to obtain correct knowledge of the several objects proper for improvement, in relation to the navigable waters and other fit subjects of internal improvements, and for making a systematic and economical application of the funds appropriated to those objects; and that they report by bill or otherwise.

On motion of Mr Grigsby: *Resolved*, That a select committee be appointed to inquire into the practicability and expediency of so changing the boundary lines of the counties of Dallas, Wilcox and Greene, that the Alabama and Black Warrior rivers shall not run through the same.

Mr Hodges obtained leave to introduce a joint resolution of the General Assembly of the State of Alabama, proposing amendments to the constitution so as to have biennial sessions of the General Assembly thereof, which was read a first time, and ordered that one hundred copies thereof be printed for the use of this House.

Mr Parsons offered the following resolution: *Resolved*, That the committee on the state of the republic be instructed to inquire into the propriety of preventing free persons of color from emigrating to, and settling within the State of Alabama, with leave to report by bill or otherwise.

Mr Fearn offered the following amendment: "and also to prevent the farther introduction of slaves into this state, so far as the same can be done consistently with the constitution of the State." Mr Mardis moved to postpone the further consideration thereof till Monday next, which was carried.

Mr Van Dyke, who voted in the majority on the adoption of Mr Grigsby's resolution relating to county boundaries, moved to re-consider the vote, which was carried. The resolution was then adopted and referred to the committee on county boundaries.

Mr Forrest obtained leave to introduce a bill to be entitled an act making an appropriation for the payment of the members and officers of the present General Assembly, which was read a first time and ordered to a second reading to-morrow.

Mr Robinson obtained leave to introduce a bill to be entitled an act to establish certain election precincts therein named, which was read a first time, and ordered to a second reading to-morrow.

Mr Mardis moved that Mr Acklen and Mr Conner be added to the judiciary committee.

Mr Acklen from the select committee appointed on the part of this House to wait on his Excellency Governor Moore, and request a copy of his inaugural address delivered to both houses of the General Assembly by him upon taking the oaths of office, have performed that duty, and received a copy of said address, which is herewith submitted; and which is as follows:

Gentlemen of the Senate, and Gentlemen of the House of Representatives:

In presenting myself before you clothed as you are with the legislative power of the people of Alabama, for the purpose of taking in your presence, the solemn obligation of the office to which I have been called the imposing scene, the important and responsible character of the station upon which I am about to enter, affects me with deep sensibility. The magnitude of the trust, the general difficulty in its execution, the prudent and wise disposition of the various applications for the exercise of the executive prerogative, in interposing our country's mercy in behalf of those who may have violated the majesty of her laws, together with other delicate duties, inseparable from the station, combined with an honest distrust in my own ability to perform them in a satisfactory manner, would deter me from the undertaking, were it not for the fond hope, that the same friendly kindness and forbearance, which have been so liberally extended to me heretofore, will be continued. This diffidence is greatly increased, by the high estimate justly awarded by my fellow citizens, to the distinguished abilities with which the executive department of this government has been administered by my predecessors; and here, permit me to remark, that whilst we mourn the act of providence which has deprived us of those worthies, whose services and counsel this community cannot hope to enjoy again, yet we are consoled by the reflection, that by the people of Alabama their services are remembered, and their counsels duly appreciated, and in the act of our legislature making an appropriation for the transportation of the relics of one of them from a foreign land, for interment in our own soil, is recorded the evidence of public gratitude for public services, highly honorable to the legislature and to the citizens of the State. While we thus deplore the loss of our chief magistrates who are now no more, we are interested and delighted in the prospect afforded of the profitable exercise of their talents in the promotion of our common prosperity. Ten years since the state was admitted into the federal family of the

union, at which time our population amounted to sixty thousand, and at that time sixteen counties were represented in the convention only ; now our population may be estimated at three hundred thousand, and at this time the delegation from thirty-five counties are assembled in this Hall. And what, may I ask, was this much favored spot only a short time anterior to our admission into the union? a mere wilderness, the resort of savages and wild beasts only. What an exchange of tenements is now presented ! In the place of those humble huts, then occupied by the Black Warrior or Tuscaloosa chief and his followers, probably placed on the margin of your beautiful stream of that name, we now behold a Capitol, emphatically a Capitol, and University, which when completed will be inferior to none in elegance, in taste, or in usefulness of which any sister state can boast ; a metropolis surrounded by a country rapidly growing in wealth and importance, presenting all the natural advantages calculated to invite an emigration of the most enterprising and respectable character, in which are now assembled the representatives of a free and independent people, for the purpose of deliberating upon the great public concerns of the community. Such a change, such a rapid increase in population, in improvements and in institutions in our young and growing state, cannot but be highly gratifying to each of her citizens. Eight years have now elapsed since I had the honor of participating in the deliberations of our state legislature, and, although within that time much change of its members has been made, yet I have the satisfaction to recognize in this dignified body, several from different sections of the state, with whom I have had the honor to be associated on the most friendly terms in the discharge of public duty, and among them several whose silver locks have obtained an honorable distinction in the almost uninterrupted discharge of public functions. To this circumstance I may add, that I have the gratification to believe that I shall be aided and supported by all, in any effort calculated to promote the public welfare of our common country.

In bringing forward any topic to your view for legislative action, I shall not be influenced by any private, local or sectional consideration. I shall have no other object than the public good, and I shall rely more upon an ardent desire and devoted exertions for its attainment, aided by your united wisdom and supervising control, than upon any claim I have to ability. And here I may be permitted to remark, that it is a source of some consolation to me, that the manner in which I have been called to the station I am about to assume, seems to forbid the idea of the existence of an opinion that, when I have sworn fidelity to our constitution, any other than the most liberal views of policy will be pursued.

You will, gentlemen, be pleased to permit me to assure you, and through you, those whom you represent, that the very flattering manner in which this late demonstration of public confidence has been bestowed, has inspired the most profound gratitude, and highest sense of obligation.

It is with much satisfaction that I remark, that the very able, lucid, and comprehensive communication made you by the retiring executive, will supersede much of my constitutional obligations the present session. I may deem it expedient to submit some additional views for your deliberations, relative to some of the matters embraced in this important document, which I shall do with much respect and high consideration.

And may that spirit of harmony, liberality, forbearance, and toleration which is so essentially necessary for the accomplishment of the best results, be encouraged by us all, is my sincere and cordial supplication.

A message from the Senate by Mr Lyon.—Mr Speaker: The Senate have read three several times and passed bills, and a joint resolution which originated in their House, entitled an act to alter the time of holding the courts in the 6th circuit: an act to give the circuit courts of this state power to render judgements final against the security in writs of error bonds: an act to authorize the courts of this state to render judgement final against the security of non residents, and joint resolutions providing for the appointment of a joint committee to investigate and examine the proceedings of the commissioners elected to class and value the lands given to this State for the purpose of internal improvement, in all of which they desire your concurrence. They concur in the resolution of the House of Representatives referring so much of the Governor's message as relates to the best mode of applying the funds arising from the sale of the lands granted to the State by Congress for the purpose of improving certain rivers within the same, to a joint committee of the two Houses, and providing that the committee on inland navigation be said committee on the part of the House: the committee on inland Navigation in the Senate, consisting of Messrs. Walthall, Evans, M'Vay, Smith, and Conner have been appointed the joint committee on their part. They also concur in the resolution of your honorable body appointing a joint committee to inquire of the propriety of re-adopting and urging upon the consideration of the Congress of the United States the important matters embraced in the memorial of the legislature of the State at the last session, concerning the public lands and rights of pre-emption in favor of actual settlers and relinquishers, and to inquire whether said memorial ought to embrace any additional matter, and have appointed a committee on their part consisting of messrs Walthall, Perry and Anderson.

Mr Baker offered the following resolution: *Resolved*, That the committee on education be instructed to inquire into the expediency and constitutionality of so dividing the University fund as to provide for the establishment of preparatory schools in various sections of the state. Mr Moore moved that the further consideration thereof be postponed till the 1st day of March next, which was lost. Yeas 28—Nays 42.

The yeas and Nays being desired those who voted in the affirmative are messrs *Speaker, Acklen, Banks, Bibb, Cole, Conner, Curtis, Dale, Ellis, Fearn, Greene, Hays, King, Lane, Lawler, Ligon, Mardis, Moore, Parsons, Penn, Perkins, Pope, Richardson, Roulston, Russell, Weissinger, Williams, and Young*—28.

Those who voted in the negative are messrs *Baker, Barclay, Bates, Bradford, Brodnax, Brown, Byrnes, Clark, Cook, Coopwood, Craig, Dennis, Durrett, Fitts, Flournoy, Forrest, Goldthwaite, Grigsby, Hester, Hodges, Hudson, Horton, Jackson, Jones, Massey, McElderry, Mead, Metcalfe, Mims, Mobley, Morrisett, Murphree, Oliver, Philpott, Robinson, Ross, Roysdon, Ship, Smith, Taylor, Van Dyke, and Ward*—42.

And the question being put, "shall this resolution be adopted"? it was determined in the affirmative. Yeas 41—Nays 28.

The Yeas and Nays being desired, those who voted in the affirmative are messrs *Baker, Barclay, Bates, Bradford, Brodnax, Brown, Byrnes, Clark, Cook, Coopwood, Craig, Dennis, Durrett, Fitts, Flournoy, Forrest, Goldthwaite, Grigsby, Hester, Hodges, Horton, Hudson, Jackson, Jones, Massey, McElderry, Mead, Metcalfe, Mims, Mobley, Morrisett, Murphree, Oliver, Philpott, Robinson, Ross, Roysdon, Ship, Smith, Taylor, Van Dyke, and Ward*—41.

Those who voted in the negative are *Messrs Speaker, Acklen, Banks,*

Bibb, Cole, Conner, Curtis, Dale Ellis, Fearn, Greene, Hays, King, Lane, Lawler, Ligon, Mardis, Moore, Parsons, Penn, Perkins, Pope, Richardson, Roulston, Russell, Weissinger, Williams, and Young—28

Mr Coopwood obtained leave to introduce a bill to be entitled an act for the relief of Andrew O. Horn, tax collector for Lawrence county, which was read a first time, and ordered to a second reading to-morrow.

Bills from the Senate of the following titles, to wit: an act to alter the time of holding the courts in the 6th circuit; an act to give the circuit courts of this state power to render judgements final again st the security in writs of error bonds, were severally read a first time, and ordered to a second reading to-morrow.

Joint resolution from the Senate providing for the appointment of a joint committee to investigate and examine the proceedings of the commissioners elected to class and value the lands given to this State for the purpose of internal improvement, was read a first time. Mr Parsons then moved that the rule requiring bills and joint resolutions to be read on three several days be dispensed with, and that it be read a second time forthwith; which was carried. Yeas 59—Nays 13.

The yeas and nays being desired, those who voted in the affirmative are messrs *Speaker, Acklen, Banks, Barclay, Bates, Bradford, Brodnax, Brown, Byrnes, Clark, Cole, Conner, Cook, Curtis, Dale, Dennis, Ellis, Fearn, Fitts, Flournoy, Forrest, Goldthwaite, Greene, Grigsby, Hays, Hester, Jackson, Jones, King, Lawler, Mardis, Massey, McElderry, Mead, Metcalfe, Mims, Mobley, Moore, Morrisett, Murphree, Oliver, Parsons, Penn, Perkins, Philpott, Rather Richardson, Robinson, Ross, Roulston, Roysdon, Russell, Smith, Taylor, Van Dyke, Ward, Weissinger, Williams, and Young—59.*

Those who voted in the negative are messrs *Baker, Bibb, Coleman, Coopwood, Craig, Durrett, Hodges, Horton, Hudson, Lane, Ligon, Pope, and Ship—13.*

Mr Goldthwaite then moved to amend the resolution by way of the following proviso: "*Provided, that nothing in this resolution contained shall be construed to authorize the removal of the books of the register and receiver of the land office,*" which was lost. Yeas 15—Nays 57.

The yeas and nays being desired, those who voted in the affirmative are messrs *Baker Bibb, Coleman, Coopwood, Craig, Durrett, Goldthwaite, Hodges, Horton, Hudson, Lane, Ligon, Pope, Roysdon, and Ship—15.*

Those who voted in the negative are messrs *Speaker, Acklen, Banks, Barclay, Bates, Bradford, Brodnax, Brown, Byrnes, Clark, Cole, Conner, Cook, Curtis, Dale, Dennis, Ellis, Fearn, Fitts, Flournoy, Forrest, Greene, Grigsby, Hays, Hester, Jackson, Jones, King, Lawler, Mardis, Massey, McElderry, Mead, Metcalfe, Mims, Mobley, Moore, Morrisett, Murphree, Oliver, Parsons, Penn, Perkins, Philpott, Rather, Richardson, Robinson, Ross, Roulston, Russell, Smith, Taylor, Van Dyke, Ward, Weissinger, Williams and Young—57.*

Mr Parsons then moved that the rule be further dispensed with, and that it be read a third time forthwith, which was carried. Yeas 59—Nays 12.

The yeas and nays being desired, those who voted in the affirmative are messrs *Speaker, Acklen, Baker, Banks, Barclay, Bates, Bradford, Brodnax, Brown, Byrnes, Clark, Cole, Curtis, Dale, Dennis, Ellis, Fearn, Fitts, Flournoy, Forrest, Goldthwaite, Greene, Grigsby, Hays, Hester, Jackson, Jones, King, Lawler, Mardis, Massey, McElderry, Mead, Metcalfe, Mims, Mobley, Moore, Morrisett, Murphree, Oliver, Parsons, Penn, Perkins, Philpott, Rather, Richardson, Robinson, Ross, Roulston, Roysdon,*

Russell, Ship, Smith, Taylor, Van Dyke, Ward Weissinger, Williams and Young.

Those who voted in the negative are messrs *Bibb, Coleman, Conner, Coopwood, Craig, Durrett Hodges, Horton, Hudson, Lane, Ligon, and Pope.*

Mr Craig moved to amend the resolution by way of the following engrossed ryder, "*Provided*, that should it be necessary to bring up the original books of the land office, that the register may have a copy from which entries may be made in said office," which was lost. And the question being put shall this resolution pass? it was determined in the affirmative. Yeas 57—Nays 15.

The yeas and nays being desired, those who voted in the affirmative are messrs *Speaker, Acklen, Banks, Barclay Bates, Bradford, Bradnax, Brown, Byrnes, Clark, Cole, Conner, Cook, Curtis, Dale, Dennis, Ellis, Fearn, Fitts, Flournoy, Forrest, Greene, Grigsby, Hays, Hester, Jackson, Jones, King, Lawler, Mardis, Massey, McElderry, Mead, Metcalfe, Mims, Mobley, Moore, Morrisett, Murphree, Oliver, Parsons, Penn, Perkins, Philpott, Rather, Richardson, Robinson, Ross, Roulston, Russel, Smith, Taylor, Van Dyke, Ward, Weissinger, Williams, and Young—57.*

Those who voted in the negative are messrs *Baker, Bibb, Coleman, Coopwood, Craig, Durrett, Goldthwaite, Hodges, Horton Hudson, Lane, Ligon, Pope, Roysdon, and Ship—15.*

Mr Coopwood moved to amend the title by adding the words "and for other purposes," which was lost. *Ordered*, That the title be as sfore-said. *Ordered*, that the Clerk acquaint the Senate therewith. And then the House adjourned till tomorrow morning 10 o'clock.

Thursday Nov. 26, 1829.—The House met pursuant to adjournment.

A message was received from the Senate by Mr Lyon. Mr Speaker, The Senate have read three several times and paseed a bill which originated in the House of Representatives, entitled an act to suspend the sale of the land granted to the State of Alabama for the purposes of internal improvement and have amended the same by striking out all the first section of the bill after the word *that* in the second line, and inserting in lieu thereof the accompanying section, and also by striking out the third section of the bill, in which amendment they desire your concurrence. They have adopted the following resolution in which they desire your concurrence: *Resolved*, That a committee be appointed on the part of the Senate to act jointly with such committee as may be appointed on the part of the House of Representatives, to draft a memorial to the Congress of the United States, in behalf of those who have suffered by depredations committed by a part of the Creek nation of Indians, previous to the last Indian war, and at a moment of peace and good understanding, as was conceived to exist between the United States and the said tribe of Indians; they have appointed on their part Messrs Smith, Evans, and Garth; in which resolution the House concurred. Whereupon messrs Fearn, Goldthwaite, and Conner were appointed said committee.

Mr Craig asked leave to withdraw the protest offered by himself and others to the House on yesterday, which was granted.

Mr Speaker laid before the House the petition of sundry citizens resident in that section of territory which was formerly a part of Monroe county west of the Alabama river, praying a right to be represented in the present General Assembly, which was read and referred to the committee on propositions and grievances.

Mr Speaker laid before the House the petition of sundry citizens of Greene County, living on the east side of the Black Warrior river, praying that said river be made a county boundary line, which was read and referred to the committee on county boundaries.

Mr Dale presented sundry petitions from the inhabitants of Monroe county, praying to re-annex a part of Clarke county to Monroe county, which were severally read and referred to the committee on county boundaries.

Mr Jones presented the petition of sundry inhabitants of Bibb county, praying the passage of a law to establish the permanent seat of justice in said county, which was read and referred to the committee on propositions and grievances.

Mr Penn moved that the House concur in the several amendments made by the Senate to the bill entitled an act to suspend the sale of the lands granted to the State of Alabama, for the purposes of internal improvement, which was carried.

Mr Williams presented the account of the sheriff of Tuscaloosa county, which was read and referred to the committee on accounts.

Mr Parsons, from the judiciary committee, to which was referred a resolution instructing said committee to inquire into the expediency of establishing a penitentiary, and for other purposes, reported that it is inexpedient to legislate upon the subject. Mr Moore moved that the report lie on the table, which was carried.

Mr Hudson, from the committee on propositions and grievances to which was referred the petition of John and Deliah his wife, persons of color, reported a bill to be entitled an act to emancipate certain slaves therein named, which was read a first time and ordered to a second reading to-morrow.

Mr Hudson, from the committee on propositions and grievances, to which was referred the petition of Alexander Henry Bodin, reported a bill to be entitled an act to emancipate certain slaves therein named, which was read a first time, and ordered to a second reading to-morrow.

Mr Hudson from the committee on propositions and grievances, to which was referred the petition of Jesse Lott, reported that the prayer of the petitioner is unreasonable, and ought not to be granted; in which report the House concurred.

Mr Lawler made the following report: The select committee to which was referred a bill to be entitled an act to authorize John A. Chapman, Simeon Chapman, Daniel Welch and their associates, to turnpike a certain road therein named, have had the same under consideration, and have instructed me to report the following amendments, to wit: In the 14th line of the 4th section, strike out the words "the following toll," and insert the same in the 16th line of the same section after the word "gates;" strike out the word "tripple," where it occurs in the first line of the fourth page, and insert in lieu thereof the words "three times."

At the end of the 13th line 5th section, after the word "dollars," insert "for each offence;" and by adding thereto an additional section No. six; in which report the house concurred. Mr Rather moved to amend the first section by striking out the word "five," to insert the word "seven," which was carried. The bill was then ordered to be engrossed for a third reading to-morrow.

Mr Taylor, from the select committee to which was referred a resolution, directing the door keeper (under the direction of a select committee of this House,) to provide carpeting for the representative hall, reported

that carpeting cannot be procured sufficient to effect the object, and ask leave to be discharged from the further consideration of the same, which was granted.

On motion of Mr Bibb: *Resolved*, That his excellency the Governor be requested to obtain information in relation to the systems which have been adopted by several of the States of this Union in their penitentiaries, as well as all such information in relation thereto, as he may deem useful and lay the same before the next General Assembly.

On motion of Mr Flournoy: *Resolved*, That the superintendant of the State Capitol be requested to inform this House what additional sum of money it will be necessary to appropriate for the completion of the capitol.

Mr Moore obtained leave to introduce a joint resolution to authorize the building committee to procure the necessary furniture for the executive rooms, in the State Capitol, which was read a first time. Mr Moore then moved that the rule requiring bills and joint resolutions to be read on three several days be dispensed with, and that it be read a second time forthwith, which was carried. It was then read a second time. Mr Moore then moved that the rule be further dispensed with, and that the bill be considered as engrossed and read a third time forthwith, which was lost. Mr Coopwood moved to amend it by striking out the words "the seat of government fund," which was carried. It was then ordered to be engrossed and read a third time to-morrow.

Mr Mead presented the petition of David May and John Roden, commissioners of the 16th section, range 3, township 11, in Blount county, praying the passage of a law providing remuneration out of the sales of said section, which was read, and referred to the committee on education.

On motion of Mr Morrisett: *Resolved* That the judiciary committee be instructed to inquire into the expediency of authorizing the judge of the county court and commissioners of roads and revenue, to increase the pay of Sheriffs and clerks of the circuit and county courts for ex-officio services when they may deem it necessary.

On motion of Mr Greene: *Resolved*, that the judiciary committee be instructed to inquire into the expediency of so altering and regulating the pay of sheriffs for public services, as for them to have certain specified fees for serving notice on overseers and apportioners of hands in the several counties in this State, with leave to report by bill or otherwise.

On motion of Mr Curtis: *Resolved*, That a select committee be appointed, to advise with such committee as may be appointed on the part of the Senate, to take into consideration the propriety of changing the present mode of licensing physicians and surgeons to practice medicine within this State, with leave to report by bill or otherwise. Whereupon messrs Curtis, Fearn, and Moore were appointed said committee.

Mr Rather offered the following resolution: *Resolved*, That a committee be appointed to memorialize the Congress of the United States, praying the appointment of commissioners and surveyors to run a line between the State of Alabama and the Cherokee tribe or nation of Indians, or so much of said line, commencing at Camp Coffee, on the south side of Tennessee river, running thence a due south course to the top of the dividing ridge between the waters of the Tennessee and Tombeckbe rivers, as laid down in the treaty of Turkey town, the 4th of October 1816, which treaty is signed by General Andrew Jackson, General David Merewether, and Jesse Franklin, Esq. commissioners on the part of the United States. Mr Goldthwaite moved to amend the resolution by way of the following: after the word "appointed," insert to inquire into the expediency," which

was carried. The resolution as amended was then adopted, whereupon messrs Rather, Bibb, and Moore were appointed said committee.

Mr Fitts obtained leave to introduce a bill to be entitled an act to emancipate a certain slave therein named, which was read a first time and ordered to a second reading to morrow.

Mr Taylor called up the communication from the comptroller on the subject of the public lands, ferries and public buildings in the vicinity and in the town of Cahawba. It was then referred to a select committee consisting of Messrs Taylor, Young, and Olver.

On motion of mr Durrutt: *Resolved*, That the judiciary committee be instructed to inquire into the expediency of paying State witnesses where the State fails to prosecute with effect.

On motion of mr Jackson: *Resolved*, That the committee on privileges and elections be instructed to inquire into the expediency of passing an act to have an election precinct established at every company muster ground in each and every county in this State.

Mr Bradford offered the following resolution: *Resolved*, That the committee on ways and means be instructed to inquire into the expediency of passing a law more effectually to prevent extortion among tavern keepers, with leave to report by bill or otherwise. Mr Parsons moved to amend the resolution by striking out the words "among tavern keepers," which was carried. The resolution as amended was then adopted.

On motion of mr Ligon: *Resolved*, that the judiciary committee be instructed to enquire into the expediency of empowering the sheriffs of the different counties in this state, to take recognizances of persons arrested on process from the circuit courts, for misdemeanors and felonies not punished capitally, with leave to report by bill or otherwise.

Mr Coopwood moved to add mr Ligon to the judiciary committee, which was carried.

On motion of mr Penn: *Resolved*, That the committee on privileges and elections be instructed to inquire into the expediency of repealing the law which directs that all elections made by the people shall be by ballot; and whether it is not more consistent with the spirit of freedom and independence, which should characterize the acts of our citizens in all public proceedings, that such elections should be made viva voce, with leave to report by bill or otherwise.

Mr Hester obtained leave to introduce a bill to be entitled an act amendatory of an act, prescribing the mode of executing original process, which was read a first time, and ordered to a second reading to-morrow.

On motion of mr Clarke, *Resolved*, That the committee on the State Bank inquire into the expediency of requiring the State treasurer to perform the duties of President of the Bank of the State of Alabama.

Mr Taylor called up a communication from the Secretary of State, relative to a court martial convened at Claiborne. It was then referred to the military committee.

Mr Clark moved to add mr Coopwood to the committee on accounts, which was carried.

Mr Robinson offered the following resolution: *Resolved*, That this House will, with the consent of the Senate, meet in the Representative Hall on Saturday next, at the hour of 11 o'clock, for the purpose of electing solicitors for the first and sixth judicial circuits, and also judges for the county courts of Lauderdale, Limestone, Connecub, Fayette, and Walker counties. Mr Goldthwaite moved to amend the resolution by striking out the word "sixth," which was lost. Mr Bibb moved to strike

out the word "Limestone," which was lost. Mr Rather moved to amend the resolution by adding the words, and "Morgan county," which was carried. Mr Goldthwaite moved to strike out "Saturday," with a view to insert "Monday," which was lost. The resolution as amended was then adopted. And then the House adjourned till tomorrow, 10 o'clock, A. M.

Friday, Nov. 27, 1829.—The House met pursuant to adjournment.

Mr Goldthwaite presented the petition of sundry inhabitants of Montgomery county, composing the 40th regiment Alabama militia, praying the passage of a law to divide said county into three regiments, which was read and referred to the military committee.

Mr Goldthwaite presented the account of the jailer of Montgomery county, which was read and referred to the committee on accounts.

Mr Ellis presented the petition of David Johnson, praying the passage of a law to emancipate a certain slave therein named, which was read and referred to a select committee consisting of Messrs Ellis, Perkins, and Williams.

Mr Speaker laid before the House a communication from the comptroller, which is as follows:

Comptroller's office, Tuscaloosa. Nov. 27, 1829.

The Honorable Speaker of the House of Representatives,

SIR: I have the honor to lay before the House of Representatives my annual report of the finances of the State for the year ending on yesterday. I am very respectfully, &c.

(Signed)

SAMUEL PICKENS.

Ordered, That said communication together with the accompanying documents lie on the table, and that five hundred copies thereof be printed for the use of this House.

Mr Durrett presented the petition of sundry inhabitants of Lauderdale county, recommending Lewis Kennedy as a fit person for judge of the county court, of Lauderdale county, which was read and laid on the table.

Mr Forrest, from the committee on roads bridges and ferries, to which was referred a resolution instructing them to inquire into the expediency of so modifying the law respecting the establishment of ferries, reported a bill to be entitled an act to amend the law now in force concerning the establishing of ferries, which was read a first time, and ordered to a second reading to-morrow.

Mr Coleman, from the judiciary committee, to which was referred a resolution instructing them to inquire into the expediency of so amending the laws in relation to appeals from decisions of justices of the peace, as to refuse the defendant an appeal in any case, until he shall make affidavit that he hath good cause of defence, or hath some payment or set off which has not been allowed, and that he does not pray an appeal for the purpose of delay, reported that it is inexpedient to legislate on the subject, and ask leave to be discharged from the further consideration thereof, which was granted.

Mr Hudson, from the committee on propositions and grievances, to which was referred the petition of T. W. M'Carty, reported that the prayer of the petitioner is unreasonable; and ought not to be granted, in which report the House concurred.

Mr Baker, from the select committee to which was referred the bill to be entitled an act to increase the pay, and the more effectually to provide for the payment of the jurors of Montgomery county, reported the bill

without amendment. It was then ordered to be engrossed for a third reading to-morrow.

Mr Mobley, from the select committee to which was referred the petition of Stephen Brown, reported a bill to be entitled an act to emancipate certain slaves therein named, which was read a first time, and ordered to a second reading to-morrow.

On motion of mr Moore: *Resolved*, That the judiciary committee be instructed to inquire into the expediency of allowing by law a longer time to constables to make returns on executions, with leave to report by bill or otherwise.

Mr Coopwood offered the following resolution: *Resolved*, That a special committee be appointed and instructed to inquire into the expediency of providing by law to have the census separately taken in all the cities and towns in this State, when the next census shall be taken according to the provisions of the constitution, in order to enable the General Assembly when the next apportionment of Senators and Representatives shall be made, to apportion to the different cities and towns entitled to separate representation the number of members they may be entitled to, by their respective numbers of white inhabitants. Mr Coopwood moved that the further consideration of the resolution be postponed till tomorrow, which was carried.

On motion of mr Smith: *Resolved*, That the judiciary committee be instructed to inquire into the expediency of reducing the fees of justices of the peace and constables, with leave to report by bill or otherwise.

Mr Roysdon obtained leave to introduce a bill to be entitled an act to reduce the damage on bills of exchange, which was read a first time, and ordered to a second reading to-morrow.

Mr Jackson, from the select committee to which was referred a resolution instructing them to inquire into the propriety of laying out a road from Daniel Lewis' in Pike county, to the Chatahoochie river, reported a bill to be entitled an act appointing commissioners to mark out a road through that part of Pike county now occupied by the Creek Indians, and for other purposes, which was read a first time, and ordered to a second reading to-morrow.

Mr Ellis made the following report: The committee on enrolled bills have examined and found correctly enrolled joint resolution providing for the appointment of a joint committee to investigate and examine the proceedings of the commissioners elected to class and value the lands given to this State, for the purposes of internal improvement, which originated in the Senate.

Mr Perkins obtained leave to introduce a bill to be entitled an act to incorporate the Sims female academy in the town of Tuscaloosa, which was read a first time, and ordered to a second reading to-morrow.

On motion of mr Craig: *Resolved*, That the committee on ways and means be instructed to inquire into the expediency of so amending the revenue laws of this State, as to require all persons in rendering a list of their taxable property to the assessors to give the number of each and every townlot they may own, as also the particular section or other legal subdivision of land which he, she, or they own, or return as agent for another.

On motion of mr Grigsby: *Resolved*, That the committee on the militia be instructed to inquire into the expediency of so amending the militia and patrol laws of this State, that the appointment of patrols and keeping up the same, shall devolve on the senior justice of the peace of each and every beat, with leave to report by bill or otherwise.

Mr Coleman, from the judiciary committee, to which was referred a resolution instructing them to inquire into the expediency of passing a law more effectually to prevent the evil practice of betting on elections, reported a bill to be entitled an act to prevent the evil practice of betting on elections, which was read a first time and ordered to a second reading to-morrow.

Mr Coopwood called up the resolution relating to the public land debtors. The resolution was then adopted.

A communication was received from the Governor by James I. Thornton, which is as follows :

EXECUTIVE DEPARTMENT, *Tuscaloosa*, Nov. 1829.

To the Honorable the Senate and House of Representatives.

FELLOW-CITIZENS :—One of the important objects presented for the deliberation of your legislative body, the management of the liberal donation made by the General Government for the accomplishment of the canal around the Muscle Shoals of the Tennessee river, and the improvement of other rivers in our state, demands in my humble opinion an early consideration. We are called, by the terms on which that munificent donation was made, to lose no time in meeting the patriotic intentions of the General Government—by affording such a system of wise measures as will effect the object intended, or as much thereof as the most prudent application of the means placed in our hands will enable us to do with as much dispatch as practicable. The gain to Alabama, I make no doubt, will in ten years amount to the sum required to effect the improvement; in achieving which, however, the interest of several sister states will be materially promoted, viz: Tennessee, Kentucky, Ohio, Louisiana, and the western part of Virginia; and in this point of view it may be considered emphatically an important work of national character, and as such recommends itself to the favorable consideration of the Representatives of the people of the nation. As to the extent of improvement which can be made for the funds which will arise from the proceeds of the land, we are left to vague conjecture until the report of the United States' Engineers is obtained. I have been informed, however, that they were of opinion that all obstructions below Florence could be removed, so as to admit steam boats, at all seasons for from one hundred to one hundred and fifty thousand dollars; now, should this much be immediately effected, it cannot be doubted that a great benefit would accrue to the citizens of our state. An emporium of trade for North Alabama would be created, through which the staple of the country would pass, and no longer would the merchants of this section of country, be compelled to bring their groceries and dry goods by way of Nashville, and thereby incur the heavy expense of land transportation, which the planter or consumer is compelled to pay.

But a large residuum of two or three hundred thousand dollars, would, in all probability, be left of the funds after effecting this part of the work.—The application of this to the worst parts of the Muscle Shoals, including the last three miles, the obstruction of Green's Bluff, and some other minor obstructions, would probably give the citizens a steam boat navigation through the shoals, for vessels of light burthen, during the spring months; and a ready access for our produce to market by flat and keel boats during the whole year; an improvement to this extent would prove of incalculable benefit to the country, and particularly to North Alabama, to say nothing of the increased facilities of obtaining salt, sugar, coffee, flour, &c. The article of cotton alone would be enhanced in value so as to produce a clear saving of fifty thousand dollars or more, annually, for the purchaser no

longer fearing that his cotton might be locked up for a the want of tide (as was the case last winter) while his draft or other obligations were falling due in the eastern cities, would readily give from half a cent to a cent more per pound for the article than it would now command : indeed this is the usual difference between the prices above the shoals, and at Nashville or Florence; and on the quantity of cotton sent from the country above the shoals, will amount to something like the sum stated above.

This burthen calls loudly upon all concerned in the management of this grant for its speedy application to the object intended, and no small conveniences can counterbalance the relief which the country would obtain from having this heavy burthen removed. We therefore hope we shall not be considered as presuming too much upon the kind feelings of those who are blessed with the advantages of a free navigation, in respectfully soliciting their aid and co-operation, in accordance with the views of those who are more immediately and personally interested in the speedy removal of the obstructions which now exist to their commerce and navigation. Taking for granted then, that the propriety of immediately commencing and prosecuting this important work, will be conceded, the next question which arises, is as to the mode of operating—to whom shall this trust be delegated, what powers given them, what restrictions imposed? &c.

In this, as in all other cases, where we have the advantage of the experience of other states whose success in works of this kind, authorizes a confidence in their judicious adoption of the means to the end, I feel strongly disposed to weigh maturely the modes they have adopted to bring out works of the utility and magnitude of the one now before us. New York, Pennsylvania, and Ohio, stand prominent as examples before us, as having accomplished much to their profit and fame. Should we follow their path in executing the work by *contracts*, we must necessarily expect more from certainty of performance, as well as expedition in the final execution; the real advantage to the community of affording a profitable employment, and remuneration to the laboring and other classes of our citizens, promoting a spirit of industry and enterprize, in works of this kind amongst our people, directing their attention and energies to a species of improvement, which must ultimately prove one of the greatest resources of wealth, comfort and prosperity, of the citizens of this country, *viz: internal improvement*, give relief to pecuniary distress by scattering funds among the citizens, put in circulation an amount of money that must contribute greatly to alleviate much of the pecuniary embarrassment of our State.

Although our means for the completion of this important work are not as ample as were at first anticipated, yet we do not despair of its final accomplishment; the estimates as to the land granted in the first instance, were made with reference to the high prices at which they were sold originally, at the time the country enjoyed the most unexampled prosperity, when a large amount of Mississippi stock, obtained at from 40 to 60 per cent discount, was receivable in payment, when the staple commodity of the country was selling at from 20 to 30 cents per pound. But circumstances now have unfortunately placed the country in a different situation. Cotton is now at its lowest possible price, in North America at from five to six cents only, and when a pecuniary embarrassment and distress threatens ruin to a respectable portion of our citizens, whilst these considerations have influenced the reduction of our means from the proceeds of the lands granted, this furnishes a just ground for an appeal to the General Government for a further manifestation of their liberality in aid of the advancement of this great work, and a just and legitimate ground for an application for the remo-

val of the restrictions contained in the act, making the donation which withholds the power from the State to impose tolls. These considerations, gentlemen, to me of much weight. I submit for your legislative deliberations on this subject, which doubtless will claim no small portion of your labors.

To another subject, gentlemen, of intense interest to the citizens of our State, of a similar character. I feel it my duty to solicit your attention; the adoption of the necessary measures to effect the junction of the Alabama and Tennessee waters—an object almost invaluable in its future consequences to the citizens of this State: whilst the modes of conveyance afforded by water communication secures to the planter much in the ultimate remuneration for his labor bestowed in the production of the raw material, this communication would at the same time extend the capital, increase the value of real estate, and the commerce of our seaport.

Every thing that can be safely effected to secure the economical transportation of the productions of our State, or even others in the rout to a foreign market, though it must be for the general interest, and it is not less palpably plain, that every just measure, that will increase the capital and beneficial commerce of that spot which nature has evidently marked out as the emporium of the trade of a respectable section of our country must be sound policy. It is then with renewed interest that I look to the junction of the two great rivers of South Alabama with the Tennessee, as a measure the beneficial consequences of which to our population, can hardly be sufficiently appreciated. Whatever, gentlemen, in the course of your deliberations may be deemed advantageous in hastening the accomplishment of those great objects, will receive my cordial approbation and support.

It will not be unexpected by the legislative body, that I point their attention to the present state of our section of the union as regards the agricultural interest of the state, and holders of public lands. From the unfortunate operation of the old mode of disposing of the public lands by the General Government, the mass of the population of this State has been placed in a situation peculiarly disagreeable and distressing. The great body of the lands that have been relinquished to the United States through a variety of causes which no human prudence or sagacity could foresee; or elude, leaves a vast portion of our population without any permanent home or even interest in the country. That all solid prosperity of a country must be based on the agricultural is now a principle sufficiently established in political economy, and I should betray a want of knowledge of the true interest of the State, were I without a strong solicitude on the subject of the planting interest. Among other facts connected with this subject it is peculiarly painful that many very valuable citizens of our State, in consequence of the difficulty of procuring soil under the government of their country, are daily emigrating to a foreign State, and carrying with them the population, industry and enterprise which this section of the union so loudly calls for. That the present depressed value of the staple production of our lands has placed the present minimum entirely too high, needs no proof. That a very small portion of our soil will authorize that minimum is equally plain. That the balance of the public lands must remain unoccupied and uncultivated unless by a system of occupation and cultivation the most undesirable in its consequences to the General Government as well as the State, is and must remain to be the inevitable consequence of persisting in the present mode of disposing of the public lands. It is now a matter beyond doubt that the interest of the General Government and those of this portion of the union, demand a new and different system, and I cannot but feel a strong assurance that a *better and more equitable* system of disposing of the public lands so as to give

the citizens an opportunity of purchasing the different qualities of soil at an equitable price would have a happy tendency to arrest and remove much of the agricultural causes of complaint of which we now experience.

Among the alterations imperiously demanded by the state, of this section of the union, a graduating system seems to stand prominent, and that system so framed, that every capacity of citizens might have an opportunity of *immediate purchase* at an equitable price, and of improving their own circumstances and the face of the country. Any other mode will continue the state of unimproved wilderness in which large tracts of our territory have been too long kept by a *minimum* far above the value of the soil in the most prosperous periods of agriculture.

To admit an equitable purchase of the soil, as well as to meet every capacity of citizen to purchase, it would be desirable that permission should be had to purchase *forty acre tracts*, instead of the present subdivision. The great body of our citizens who have been obliged through the pressure of the times, not only to forfeit their *homes* and labour, to the General Government, but also to forfeit the amount of money already paid on the lands, calls for a special notice; and it is to be hoped that a suitable appeal to the liberality and justice of General Government, will not be unheard. Nay, we are assured it will not. Nor can it be forgotten that the present mode of sale by auction whilst it gives nothing to the Government of the United States more than a minimum, yet it becomes in the hands of capitalists, an engine for adding to the agricultural depression and distress; and to which we are obliged to charge much of that which the community now feels. I deem it one of the duties, as well as the political privileges of the Representatives of the people, to place before the Government of the Union, grievances affecting the State, and the existence of which is found to produce a state of public depression and embarrassment. Bringing with you, gentlemen, from each section of the State, the wants, and causes of agricultural depression of the people, you will be enabled to place before the Congress of the United States, in the attitude it imperiously now demands, this subject of such vital importance to our prosperity.

I have the honor to lay before you for your consideration, certain resolutions, and other documents, received from other States, viz: A resolution from the State of Louisiana in relation to an act prohibiting the introduction of slaves into that State. A resolution of the Legislature of the State of Louisiana, proposing an amendment to the Constitution of the United States with a view to make six years the term of office of the President of the United States, and afterwards to be rendered ineligible. Resolutions of the Legislature of the State of Missouri on the subject of amending the Constitution of the United States, so as to give to the people of the United States the privilege of voting directly for the President and Vice President, without the intervention of electors; reserving to the States respectively their due weight in relation to said election, as is now guaranteed to them by the Constitution of the United States; and that the election of President and Vice President should in no case whatever be submitted to the decision of the House of Representatives of the U. S. A report adopted by the General Assembly of the State of Missouri, on a report and resolutions of the Legislature of the State of Georgia, relative to the Colonization Society. A resolution of the Legislature of the State of Tennessee in relation to the establishment of a Hospital at the town of Memphis. A resolution of the State of Indiana asserting her right to the unappropriated lands within her boundaries. Resolutions adopted by the Legislature of the State of South Carolina, denying the power of Congress to adopt any general system of

internal improvement, and also relative to the acts of Congress in relation to the Tariff. The proceedings of the Legislature of the State of Virginia in relation to certain proceedings of the Legislatures of the States of South Carolina and Georgia upon the subject of the *Tariff and Internal Improvement Acts, &c.* Resolutions adopted by the Legislature of the State of Mississippi, relative to said Tariff acts. Documents and proceedings relating to the formation and progress of a Board in the city of New York for the emigration, preservation, and improvement, of the aborigines of America. A report of the Directors and Warden of the Connecticut State Prison, submitted to the Legislature of that State—this is transmitted to the House of Representatives, there being but one copy, and that too voluminous to be conveniently transcribed. All which subjects are most respectfully submitted for your Legislative deliberation.

GABRIEL MOORE.

Ordered, That said communication lie on the table, and that one thousand copies thereof be printed for the use of this House.

Mr Acklen made the following report: the committee on enrolled bills, have examined and found correctly enrolled a bill to be entitled an act to suspend the sale of the lands granted to the State of Alabama, for the purposes of internal improvement, which originated in this House.

The bill entitled an act to repeal in part a certain act therein named, being under consideration. Mr Moore moved that it be committed to the judiciary committee, with the following instructions offered by Mr Ellis, which are as follows: so to amend the present law that jailers shall not be liable for escapes when persons are committed under process from the United States courts unless at the time of the delivery of the prisoner by the marshal, there was a good and sufficient jail in the county in which he might be confined. Mr Mardis offered the following amendment: "*Provided* That if sheriffs of this State should plead the insolvent laws of this State in his defence, and the court should over-rule the plea, that the State should be liable to such sheriff for the amount of the injury that he may sustain," which was lost. Mr Moore's motion pending, the House then adjourned to to-morrow 10 o'clock.

Saturday, Nov. 28, 1829.—The House met pursuant to adjournment.

A message from the Senate by Mr Lyon. Mr Speaker; The Senate have passed bills which originated in their House, entitled an act for the relief of Sally Turner, executrix of Charles H. Turner deceased: an act to discontinue and establish certain election precincts therein specified: an act for the benefit of beat No. 6, in the county of Pickens: an act to reduce the fees of the clerk of the Supreme Court of this State: an act more effectually to prevent judges of the circuit and county courts from charging juries on matters of fact, and the better to secure the right of trial by jury: an act to change the name of William Tankersly to that of William Parmer: in all of which they desire the concurrence of your honorable body. They concur in the resolution of the House of Representatives, proposing the appointment of a joint committee to take into consideration the propriety of changing the present mode of licensing Physicians and surgeons to practice medicine within this State, and have appointed on their part messrs Watkins, Merriwether and Smith. They also concur in the resolution of the House, proposing with the consent of the Senate, to go into the election of solicitors of the first and sixth judicial circuits, and also judges of the county courts of Lauderdale, Limestone, Connecuh, Fayette, Walker, and Morgan counties, on this day at 11 o'clock, and have amended the same

by striking therefrom the words, "judge of the county court of Limestone," in which amendment they ask your concurrence. They have adopted the following resolution in which they desire your concurrence: *Resolved* That a committee be appointed on the part of the Senate, to act with such committee as may be appointed on the part of the House of Representatives, to examine the books and management of the office of State Treasurer, and have appointed on their part messrs Morton, Crawford, and Garth.

Ordered, That the House concur in the amendment made by the Senate to the resolution proposing to go into the election of solicitors and judges of the county courts, as mentioned in said resolution.

A message from the Governor by Jas. I. Thornton, which is as follows :

Secretatary of State's Office, Tuscaloosa, Nov. 28, 1829.

Mr Speaker : I am instructed by the Governor to inform your honorable body, that he did on the 27th instant approve and sign an act to suspend the sale of the lands granted to the State of Alabama, for the purposes of internal improvement, which originated in the House of Representatives.

Mr Lawler presented the petition of sundry inhabitants of the 16th section, 19th township, Range No. 2 east, praying the passage of a law to make sale of said section, which was read and referred to a select committee, consisting of messrs Lawler, Clark and Jones.

On motion of mr Goldthwaite : *Resolved*, That with the concurrence of the Senate, the two Houses will elect an attorney general when they shall assemble to elect solicitors, of the first and 6th circuits, &c.

Mr Taylor presented the petition of John Sutton, the inventor of a machine called the "wheel-wright's assistant," asking the appointment of a committee to examine said machine, which was read and referred to a select committee consisting of messrs Taylor, Acklen, and Mardis.

Mr Rather presented the report of the quarter master general, which was read and referred to the military committee.

Mr Speaker laid before the House a communication from the State Treasurer, which is as follows :

TREASURER'S OFFICE, Tuscaloosa, Nov. 27, 1829.

SIR:—In laying before the legislature the enclosed report for the year 1829, I beg leave to make known through you to the House over which you preside, my intention of withdrawing from the treasury department at the close of the year for which I have been elected, and to respectfully ask the early appointment of a committee, to examine the books and management of the office. For the kind indulgence of the Legislature, to which I have never appealed in vain, I owe a debt which I can never pay, but which I beg you to assure the House shall never cease to be remembered with feelings of gratitude. I am, sir, with sentiments of the highest esteem, your very obedient servant.

(Signed)

JOHN C. PERRY.

Ordered, That said communication together with the accompanying document lie on the table, and that one hundred copies thereof be printed for the use of this House.

Mr Ellis presented the account of the sheriff of Walker county, which was read and referred to the committee on accounts.

Mr Young, from the committee on accounts, to which was referred the account of Bartholomew Gates, jailer of Franklin county, reported that said account is not made out in form as required by law, and ask leave to be discharged from the further consideration thereof, which was granted.

Mr Ligon made the following report: The judiciary committee to

which was referred a bill to be entitled an act concerning the dismissal of suits at common law, have had the same under consideration, and instructed me to report the same with the following amendments, In the second section strike out the words "at the time of," and insert in lieu thereof the word "before." They have also adopted with a slight modification the proviso offered as an amendment to the second section, in all which they respectfully ask the concurrence of the House. *Ordered*, That the House concur in the amendments made to said bill. It was then ordered to be engrossed for a third reading on Monday next.

Ordered, That Mr Richardson have leave of absence until Monday next.

Mr Acklen, from the judiciary committee to which was referred a resolution instructing them to enquire into the expediency of passing a law paying State witnesses where the State fails to prosecute with effect, reported that it is inexpedient to legislate upon the subject, in which report the House concurred.

Mr Dennis obtained leave to introduce a bill to be entitled an act to alter the time of holding the fall term of Pike county court, which was read a first time, and ordered to a second reading on Monday next.

A message from the Senate by Mr Lyon. Mr Speaker: The Senate concur in the resolution of the House of Representatives, proposing to go into the election of an attorney general to-day at the same time they elect solicitors, &c.

On motion of Mr Durrett: *Resolved*, That the Senate be now invited to the hall of the House of Representatives for the purpose of going into the election agreeably to former resolutions. *Ordered*, that the clerk acquaint the Senate therewith.

The Senate having repaired to the Hall of the House of Representatives and taken their seats; the two Houses then proceeded to the election of a solicitor of the first judicial circuit, to fill the vacancy occasioned by the resignation of John Elliott, Esq. David Crawford, Wm. S. Chapman, William B. Travis, Harris Smith Evans, John H. Jones, and John W. Wilson being in nomination.

Those who voted for Mr Crawford are messrs Abercrombie, Conner, Crawford, Hogan, and Wood, of the Senate. Messrs Bates, Bibb, Brodnax, Brown, Byrnes, Coleman, Cook, Fearn, Fitts, Goldthwaite, Mead, Mims, Moore Murphree, Oliver, Penn, Pope, Ross, Ship, and Taylor, of the House.

Those who voted for Mr Chapman are messrs Perry, Pickett, Vining, and Walshall, of the Senate. Mr Speaker, Barclay, Craig, Hays, King, Philpott, Roulston, Van Dyke, Weissinger and Young.

Those who voted for Mr Jones are Mr President and Moore, of the Senate. Messrs Acklen, Banks, Bradford, Clark, Ellis, Forrest, Lane, Lawler, Ligon, Mardis, Massey, Metcalfe, Perkins, Rather, Roysdon, Smith, and Williams.

Those who voted for Mr Travis are messrs Smith and Watkins, of the Senate. Messrs Curtis, Dale, Dennis, Greene, Hester, Jackson, Jones, Mobley, Morrisett, Parsons, Robinson, Russell, and Ward.

Those who voted for Mr Evans are messrs Anderson, Edmondson, Evans, Garth, Hubbard, McVay and Morton, of the Senate, Messrs Baker, Coopwood, Durrett, Hodges, Horton, Hudson, and McElderry, of the House.

Those who voted for Mr Wilson are Mr Merriwether, of the Senate. Messrs Cole, Conner, Flornoy and Grigsby, of the House.

No one of the candidates having received a majority of votes, the two houses proceeded again to the election, the same persons being in nomination.

Those who voted for Mr Crawford are messrs Abercrombie, Conner, Crawford, Hogan and Wood, of the Senate. Messrs Bates, Bibb, Brodnax, Brown, Byrnes, Coleman, Cook, Fearn, Fitts, Goldthwaite, Mead, Mims, Moore, Murphree, Oliver, Penn, Pope, Ross, Ship, and Taylor of the House.

Those who voted for Mr Chapman are Mr Perry, Picket, Vining, and Walthall of the Senate. Messrs Speaker, Barclay, Craig, Hays, King, Philpott, Roulston, Van Dyke, Weissinger, and Young, of the House.

Those who voted for Mr Jones are messrs President, and Moore of the Senate, Messrs Acklen, Banks, Bradford, Clark, Ellis, Forrest, King, Lawler, Ligon, Mardis Massey, Metcalfe, Perkins, Rather, Roysdon, Smith, and Williams of the House.

Those who voted for Mr Travis are messrs Irwin, Smith, and Watkins of the Senate. Messrs Curtis, Dale, Dennis Greene, Hester, Jackson Jones, Mobley, Morrisett, Parsons, Robinson, Russell, and Ward of the House.

Those who voted for Mr Evans are Mr Anderson, Edmondson, Evans, Garth, Hubbard, McVay, and Morton of the Senate. Messrs Baker, Coopwood, Durrett, Hodges, Horton, Hudson, and McElderry of the House.

Those who voted For Mr Wilson are messrs Merriwether, of the Senate. Messrs Cole, Conner, Flournoy, and Grigsby of the House.

No one of the candidates having received a majority of votes, Mr Wilson's name being withdrawn, the two Houses proceeded again to said election.

Those who voted for Mr Crawford are messrs Abercombie, Conner, Crawford, Hogan, and Wood, of the Senate. Mr Bates, Bibb, Brodnax, Brown, Byrnes, Coleman, Cook, Fearn, Fitts, Goldthwaite, Jackson, Mead, Mims, Moore, Murphree, Oliver, Penn, Pope, Ross, Ship and Taylor, of the House.

Those who voted for Mr Chapman are Mr Merriwether, Perry, Pickett, Vining, and Walthall, of the Senate. Mr Speaker, Barclay, Cole, Conner, Craig, Grigsby, Hays, Hester, King, Philpott, Roulston, Van Dyke, Weissinger and Young of the House.

Those who voted for Mr Jones, are Mr President, and Moore, of the Senate. Messrs Acklen, Banks, Bradford, Clark, Ellis, Flournoy, Forrest, Lane, Lawler, Ligon, Mardis, Massey, Metcalfe, Perkins, Rather, Roysdon, Smith and Williams.

Those who voted for Mr Travis, are messrs Irwin, Smith and Watkins of the Senate. Messrs Curtis, Dale, Dennis, Green, Jones, Mobley, Morris ett, Parsons, Robinson, Russell and Ward, of the House.

Those who voted for Mr Evans, are messrs Anderson, Edmondson, Evans Garth, Hubbard, M'Vay and Morton, of the Senate. Messrs Baker, Coopwood, Durrett, Hodges, Horton, Hudson, and M'Elderry, of the House.

Mr Travis' name being withdrawn, no one of the candidates having received a majority of votes, the two Houses proceeded again to the election.

Those who voted for Mr Crawford, are messrs Abercrombie, Conner, Crawford, Hogan, Irwin, Watkins, and Wood, of the Senate. Messrs Bates, Bibb, Brodnax, Brown, Byrnes, Coleman, Cook, Craig, Curtis, Dennis, Fearn, Fitts, Goldthwaite, Green Jackson, M'Elderry, Mead, Mims, Mobley, Moore, Morrisett, Murphree, Oliver, Parsons, Penn, Pope, Robinson, Ross, Ship, Taylor and Ward, of the House.

Those who voted for Mr Chapman are, messrs Merriwether, Perry, Pickett, Vining and Walthall, of the Senate. Mr Speaker, Barclay, Cole, Conner, Grigsby, Hays, Hester, King, Philpott, Roulston, Russell, Van Dyke, Weissinger and Young, of the House.

Those who voted for Mr Jones, are Mr President and Moore, of the Senate. Messrs Acklen, Banks, Bradford, Clark, Dale, Ellis, Flournoy, Forrest, Jones, Lane, Lawler, Ligon, Mardis, Massey, Metcalfe, Perkins, Rather, Roysdon, Smith, and Williams of the House.

Those who voted for Mr Evans are, messrs Anderson, Edmondson, Garth, Hubbard, M'Vay, Morton and Smith of the Senate. Messrs Baker, Coopwood, Durrett, Hodges, Horton and Hudson, of the House.

No one of the candidates having received a majority of votes, the two Houses proceeded again to the election.

Those who voted for Mr Crawford are messrs Abercombie, Conner, Crawford, Hogan, Irwin, Watkins, and Wood of the Senate. Messrs Bates, Bibb, Brodnax, Brown, Byrnes, Coleman, Cook, Craig, Curtis, Dennis, Durrett, Fearn, Fitts,

Goldthwaite, Greene, Hester, Jackson, M'Elderry, Mead, Mims, Mobley, Moore, Morrisett, Murphree, Oliver, Parsons, Penn, Pope, Robinson, Ross, Ship, Taylor, and Ward of the House.

Those who voted for Mr Chapman are messrs Merriwether, Perry, Pickett, Vining, and Walthall of the Senate messrs Speaker, Barclay, Cole, Conner, Grigsby, Hays, King, Philpott, Roulston, Russell, Van Dyke, Weissinger and Young of the House.

Those who voted for Mr Jones are Mr President and Moore, of the Senate. messrs Acklen, Banks, Bradford, Clark, Dale, Ellis, Flournoy, Forrest, Jones, Lane, Lawler, Ligon, Mardis, Massey, Metcalfe, Perkins, Rather, Roysdon, Smith, and Williams of the House.

Those who voted for Mr Evans are messrs Anderson, Edmondson, Evans, Garth, Hubbard, McVay, Morton, and Smith of the Senate. messrs Baker, Coopwood, Hodges, Horton, and Hudson of the House.

No one of the candidates having received a majority of votes, Mr Evans being withdrawn, the two Houses proceeded again to the election.

Those who voted for Mr Crawford are messrs Abernombie, Conner, Crawford, Evans, Hogan, Hubbard, Irwin, McVay, Morton, Watkins and Wood of the Senate. Messrs Baker, Bates, Bibb, Brodnax, Brown, Byrnes, Coleman, Cook, Coopwood, Craig, Curtis, Dennis, Durrett, Fearn, Goldthwaite, Green, Hester, Horton, Jackson, M'Elderry, Mead, Mims, Mobley, Moore, Morrisett, Murphree, Oliver, Parsons, Penn, Pope, Robinson, Ross, Ship, Taylor, and Ward, of the House.

Those who voted for Mr Chapman are messrs Merriwether, Perry, Pickett, Vining, and Walthall, of the Senate. Mr Speaker, Barclay, Cole, Conner, Grigsby, Hays, Hodges, Hudson, King, Philpott, Roulston, Russell, Van Dyke, Weissinger and Young of the House.

Those who voted for Mr Jones are Mr President, Anderson, Edmondson, Garth, Moore and Smith, of the Senate Messrs Acklen, Banks, Bradford, Clark, Dale, Ellis, Flournoy, Forrest, Jones, Lane, Lawler, Ligon, Mardis, Massey, Metcalfe, Perkins, Rather, Roysdon, Smith, and Williams, of the House.

Mr Crawford having received a majority of votes, Mr Speaker therefore declared him elected solicitor of the first judicial circuit. The two Houses then proceeded to the election of a solicitor of the sixth judicial circuit, Nathan Cook and William D. Pickett being in nomination.

Those who voted for Mr Cook are messrs Abernombie, Anderson, Irwin, Perry, Walthall and Watkins of the Senate. Messrs Banks, Bates, Bradford, Curtis, Dale, Dennis, Fearn, Green, Jackson, Mead, Mobley, Morrisett, Oliver, Parsons, Penn, Perkins, Pope, Robinson, Ross, Russell, Taylor, Ward and Weissinger.

Those who voted for Mr Pickett are Mr President, Conner, Crawford, Edmondson, Evans, Garth, Hogan, Hubbard, McVay, Merriwether, Moore, Morton, Pickett, Smith, Vining and Wood of the Senate. Mr Speaker, Acklen, Baker, Barclay, Bibb, Brodnax, Brown, Byrnes, Clark, Cole, Coleman, Conner, Coopwood, Craig, Durrett, Ellis, Fitts, Flournoy, Forrest, Grigsby, Hays, Hester, Hodges, Horton, Hudson, Jones, King, Lane, Lawler, Ligon, Mardis, Massey, M'Elderry, Metcalfe, Mims, Moore, Murphree, Philpott, Rather, Roulston, Roysdon, Ship, Smith, Van Dyke, Williams and Young of the House. Mr Goldthwaite voted for Wm. B. Street.

Mr Pickett having received a majority of votes, Mr Speaker therefore declared him duly elected solicitor of the sixth judicial circuit. The two Houses then proceeded to the election of a judge of the county court for Lauderdale county, Green P. Rice, William B. Wallace, Sidney Posey, Gilbert C. R. Mitchell, and Lewis Kennedy being in nomination.

Those who voted for Mr Rice are messrs Anderson, Vining and Walthall of the Senate. Messrs Coopwood, Moore, Perkins and Philpott of the House.

Those who voted for Mr Wallace, are messrs Crawford, Garth, Merriwether and Wood of the Senate. Messrs Banks, Bibb, Cole, Craig, Dennis, Durrett, Fearn, Fitts, Horton, Mardis, Massey, M'Elderry, Mims, Morrisett, Parsons, Penn and Roulston.

Those who voted for Mr Posey are Mr President, Abernombie, Conner, Edmondson, Evans, Moore, Morton, Perry and Watkins of the Senate. messrs Acklen, Baker,

Bates, Bradford, Brodnax, Brown, Byrnes, Coleman, Curtis, Dale, Forrest, Green, Grigsby, Hays, Hester, Hudson, Jackson, King, Lane, Mead, Murphree, Oliver, Pope, Rather, Robinson, Ross, Russell, Taylor, Van Dyke and Weissinger.

Those who voted for Mr Mitchell are messrs Hogan, Hubbard and Irwin of the Senate. Mr Speaker, Barclay, Clark, Flournoy, Goldthwaite, Hodges, Ligon, Roysdon, Smith and Williams of the House.

Those who voted for Mr Kennedy are messrs M'Vay, Pickett and Smith of the Senate. messrs Conner, Ellis, Jones, Lawler, Metcalfe, Mobley, Ship, Ward and Young of the House.

No one of the candidates having received a majority of votes, Mr Rice being withdrawn, the two Houses proceeded again to the election.

Those who voted for Mr Wallace are messrs Crawford, Garth, Irwin, Merriwether, Walhall and Wood of the Senate. messrs Bibb, Clark, Cole, Craig, Dennis, Darrett, Fearu, Fitts, Horton, Jackson, Mardis, Massey, M'Elderry, Mims, Morrisett, Parsons, Penn, Roulston and Van Dyke of the House.

Those who voted for Mr Posey are Mr President, Abercrombie, Conner, Edmondson, Evans, Moore, Morton, Perry, Vining and Watkins of the House. messrs Acklen, Baker, Banks, Bates, Bradford, Brodnax, Brown, Byrnes, Coleman, Curtis, Dale, Ellis, Forrest, Green, Grigsby, Hays, Hester, Hudson, King, Lane, Mead, Metcalfe, Moore, Murphree, Oliver, Philpott, Pope, Rather, Robinson, Ross, Russell, Sell, Smith, Taylor, Weissinger and Williams.

Those who voted for Mr Mitchell are messrs Anderson, Hogan and Hubbard of the Senate. Mr Speaker, Barclay, Coopwood, Flournoy, Goldthwaite, Hodges, Ligon and Roysdon of the House.

Those who voted for Mr Kennedy are messrs M'Vay, Pickett and Smith of the Senate. messrs Conner, Jones, Lawler, Mobley, Perkins, Ship, Ward and Young of the House.

No one of the candidates having received a majority of votes, Mr Kenedy being withdrawn, the two Houses proceeded again to the election.

Those who voted for Mr Wallace are messrs Crawford, Garth, Hogan, Irwin, Merriwether, Pickett, Smith, Walhall and Wood of the Senate. messrs Bibb, Byrnes, Clark, Cole, Craig, Dennis, Darrett, Fearu, Fitts, Horton, Jackson, Mardis, Massey, M'Elderry, Mims, Morrisett, Parsons, Penn, Roulston, Ward, and Young of the House.

Those who voted for Mr Posey are Mr President, Abercrombie, Anderson, Conner, Edmondson, Evans, M'Vay, Moore, Morton, Perry, Vining and Watkins, of the Senate. Mr Speaker, Acklen, Baker, Banks, Bates, Bradford, Brodnax, Brown, Coleman, Conner, Curtis, Dale, Ellis, Forrest, Green, Grigsby, Hays, Hester, Hudson, Jones, King, Lane, Lawler, Mead, Metcalfe, Moore, Murphree, Oliver, Perkins, Philpott, Pope, Rather, Robinson, Ross, Russell, Ship, Smith, Taylor, Van Dyke, Weissinger and Williams of the House.

Those who voted for Mr Mitchell are Mr Hubbard of the Senate. messrs Coopwood, Flournoy, Goldthwaite, Hodges, Ligon and Roysdon of the House of Representatives.

Mr Posey having received a majority of votes, Mr Speaker, therefore, declared him duly elected judge of the county court for Lauderdale county. The two Houses then proceeded to the election of a judge of the county court for Connechuh county, Joel A. Lisle being in nomination.

Those who voted for Mr Lisle are Mr President, Abercrombie, Anderson, Conner, Crawford, Edmondson, Evans, Garth, Hogan, Hubbard, M'Vay, Merriwether, Morton, Perry, Pickett, Smith, Vining, Walhall, Watkins and Wood of the Senate. Mr Speaker, Acklen, Banks, Barclay, Bibb, Bradford, Brodnax, Brown, Byrnes, Clark, Cole, Coleman, Curtis, Dale, Dennis, Ellis, Fearu, Fitts, Flournoy, Forrest, Goldthwaite, Green, Hester, Hodges, Horton, Hudson, Jones, King, Lane, Lawler, Mardis, Massey, M'Elderry, Metcalfe, Mims, Mobley, Moore, Morrisett, Murphree, Oliver, Parsons, Perkins, Philpott, Rather, Robinson, Ross, Roulston, Roysdon, Russell, Ship, Smith, Taylor, Van Dyke, Ward, Weissinger, Williams and Young of the House.

Mr Lisle having received a majority of votes, Mr Speaker, therefore,

declared him duly elected judge of the county court for Connecuh county. The two Houses then proceeded to the election of a judge of the county court for Fayette County, Roderick Smith and Eli Loftin being in nomination.

Those who voted for mr Smith are messrs Abercrombie, Crawford, Edmondson, Hubbard, merriwether, moore, Perry, Pickett, Smith, Vining, Walthall and Watkins of the Senate. Mr Speaker, Barclay, Brodnax, Byrnes, Conner, Craig, Curtis, Dale, Dennis, Ellis, Green, Grigsby, Hays, Hester, Hudson, Jackson, Jones, King, Lane, m'Elderry, Jones, mead, metcalfe, mobley, moore, murphree, Parsons, Penn, Roulston, Roysdon, Russell Ship, Smith, Van Dyke, Ward, Weissinger and Williams of the House.

Those who voted for mr Loftin are messrs President, Anderson, Conner, Garth, Hogan, Irwin, m'Vay, morton and Wood of the Senate. Messrs Acklen, Baker, Banks, Bradford, Bates, Bibb, Brown, Cole, Coleman, Durrett, Fearn, Fitts, Flournoy, Forrest, Goldthwaite, Hodges, Horton, Lawler, mardis, massey, mims, Oliver, Perkins, Philpott, Rather, Robinson, Ross, Taylor and Young of the House

Mr Smith having received a majority of votes, mr Speaker, therefore, declared him duly elected judge of the county court for Fayette county. The two Houses then proceeded to the election of a judge of the county court for Walker county, David Murphy, Eli Cornwell, and John L. Bickerstaff being in nomination.

Those who voted for mr Murphy are messrs President, Abercrombie, Conner, Crawford, Edmondson, Evans, Garth, Hogan, Hubbard, m'Vay, merriwether, moore, morton, Perry, Pickett, Smith, Walthall, Watkins and Wood of the Senate. Mr Speaker, Acklen, Barclay, Bates, Bibb, Bradford, Brodnax, Brown, Cole, Curtis, Dale, Durrett, Grigsby, Hays, Hester, Hudson, Jackson, Lane, Lawler, mardis, massey, m'Elderry, mead, mobley, moore, morrisett, murphree, Parsons, Penn, Perkins, Ross, Roulston, Russell, Ship, Smith, Taylor, Van Dyke, Ward, Weissinger, Williams and Young of the House.

Those who voted for mr Cornwall are mr Anderson of the Senate. Messrs Baker, Dennis, Fitts, Forrest, Hodges, Horton, Jones, King, mims, Rather and Roysdon of the House.

Those who voted for mr Bickerstaff are mr Vining of the Senate. messrs Banks, Byrnes, Clark, Coopwood, Ellis, Fearn, Flournoy, Goldthwaite, Green, Ligon, Oliver, Philpott and Robinson of the House.

Mr Murphy having received a majority of votes, mr Speaker, therefore, declared him duly elected judge of the county court for Walker county. The two Houses then proceeded to the election of judge of the county court for Morgan county, Charles W. Peters, Esq. being in nomination.

Those who voted for mr Peters are messrs President Abercrombie Anderson Conner Crawford Edmondson Garth Hogan Hubbard Irwin m'Vay merriwether moore morton Perry Pickett Smith Vining Walthall Watkins and Wood of the Senate. Mr Speaker Acklen Baker Banks Barclay Bates Bradford Brodnax Brown Byrnes Clark Cole Coleman Coopwood Craig Curtis Dale Dennis Durrett Ellis Fearn Fitts Flournoy Forrest Goldthwaite Green Grigsby Hays Hester Hodges Horton Hudson Jackson Jones King Lane Lawler Ligon mardis massey m'Elderry mead metcalfe mims mobley moore morrisette murphree Oliver Parsons Penn Perkins Philpott Rather Robinson Ross Roulston Roysdon Russell Ship Smith Taylor Van Dyke Ward Weissenger Williams and Young of the House.

Mr Peters having received a majority of votes, mr Speaker, therefore, declared him duly elected judge of the county court for Morgan county. The two Houses then proceeded to the election of an attorney general for the State of Alabama, Constantine Perkins, Esq. being in nomination.

Those who voted for mr Perkins are messrs President Abercrombie Anderson Conner Crawford Edmondson Garth Hogan Hubbard Irwin m'Vay merriwether moore morton Perry Pickett Smith Vining Walthall Watkins and Wood of the Senate. Mr speaker Acklen Baker Banks Barclay Bates Bradford Brodnax Brown Byrnes Clark

Cole Coleman Coopwood Craig Curtis Dale Dennis Dorrett Ellis Fearn Fitts Flournoy Forrest Goldthwaite Green Grigsby Hays Hester Hodges Horton Hudson Jackson Jones King Lane Lawler Ligon Massey M'Elderry Mead Metcalfe Mims Mobley Moore Morrisett Murphree Oliver Parsons Penn Philpott Pope Rather Robinson Ross Roulston Roysdon Russell Ship Smith Taylor Van Dyke Ward Weissinger Williams and Young of the House.

Mr Perkins having received a majority of votes, Mr Speaker, therefore, declared him duly elected attorney general for the State of Alabama. and then the Senate withdrew, and the House adjourned till 10 o'clock, Monday morning.

Monday, November 30, 1829.

The House met pursuant to adjournment.

Mr Grigsby presented the account of Matthew D. Thoma-on, late quarter master general, which was read and referred to the committee on accounts.

Mr Morrisett presented the account of William B. Travis, which was read and referred to the committee on accounts.

Mr Hudson presented the petition of sundry citizens of the town of Tuscumbia and its vicinity, praying the passage of a law limiting the time of completing the improvement of the navigation of Spring creek, in the county of Franklin, which was read and referred to a select committee, consisting of Messrs Hudson, Horton and Hodges, to consider and report thereon.

Ordered, That the House concur in the resolution of the Senate; appointing a committee to examine the books and management of the office of State Treasurer; whereupon Messrs Taylor, Bibb, and Goldthwaite were appointed said committee.

Mr Rather presented the record and proceedings of the circuit court of Morgan county, in the case of James H. Roane, against Anna Roane, his wife, for divorce, which was read and referred to the committee on divorce and alimony, to consider and report thereon.

Mr Conner made the following report: The judiciary committee to whom was referred a bill to be entitled an act concerning forcible entries and detainers, have had the same under consideration, and have instructed me to report the bill without amendment, and that it is inexpedient to pass such a law. Mr Mobley moved that the report lie on the table, which was carried.

Mr Young, from the judiciary committee to which was referred a resolution instructing them to inquire into the expediency of authorizing the orphans court to make sales of perishable property bequeathed to infants, when the interest of the legatees may require it, reported a bill to be entitled an act to authorize the orphan's court to sell the perishable property of infant legatees, which was read a first time, and ordered to a second reading to-morrow.

Mr Williams presented the petition of sundry citizens of the city of Tuscaloosa and its vicinity, praying the passage of a law to open a road as therein mentioned, which was read and referred to the committee on roads bridges and ferries.

Mr Goldthwaite, from the judiciary committee, to which was referred a resolution instructing them to inquire into the expediency of empowering the sheriff of the different counties in this State, to take recognizances of persons arrested on process from the circuit courts, for misdemeanors and felonies not punished capitally reported a bill to be entitled an act to authorize sheriffs to take recognizances in certain cases, which was read a first time, and ordered to a second reading to-morrow.

Mr Ellis, from the select committee to which was referred the petition of David Johnson, reported a bill to be entitled an act to permit David Johnson to emancipate a certain slave therein named, which was read a first time, and ordered to a second reading to-morrow.

Mr Goldthwaite, from the judiciary committee to which was referred a resolution instructing them to inquire into the expediency of so altering and regulating the payment of sheriffs for public services, as for them to be allowed certain and specific fees for serving notices on overseers and apportioners of hands in the several counties in this State, reported a bill to be entitled an act in relation to the fees of sheriffs and clerks of the circuit and county courts of this State, which was read a first time, and ordered to a second reading to-morrow.

On motion of Mr Acklen: *Resolved*, That the judiciary committee be instructed to inquire into the expediency of so amending the usury laws of this State, as to prevent the usurer from being a witness in his own cause: and whether the borrower should be entitled to *his oath* in such cases, and if so, what benefit he should derive therefrom, with leave to report by bill or otherwise.

Mr Young obtained leave to introduce a bill to be entitled "an act to give the decrees of the orphan's court on final settlements, the force and effect of judgements at law," which was read a first time, and ordered to a second reading to-morrow.

On motion of Mr Mead: *Resolved* That the judiciary committee be instructed to inquire into the expediency of providing by law for some uniform mode of paying sheriffs and constables for keeping live stock, when taken by virtue of an execution.

On motion of Mr Moore: *Resolved*, That the committee on ways and means be instructed to inquire into the expediency of authorising the county court and commissioners to levy a county tax, on the amount of sales at auction, for county purposes.

On motion of Mr Pope, *Resolved*, That the committee on ways and means be instructed to inquire into the expediency of establishing an agricultural society in this State, upon the plan that exists in the State of New York, for the encouragement of similar institutions.

Mr Van Dyke offered the following resolution: *Resolved*, That the committee on the state of the Republic draft a memorial to the Congress of the United States, instructing our Senators and requesting our Representatives, to oppose the re-chartering of the Bank of the United States whenever it shall be attempted, which was laid on the table.

On motion of Mr Barclay: *Resolved*, That the committee on ways and means be instructed to inquire into the expediency of so altering the law respecting the assessing and collecting the taxes of this State, as to make it the duty of the justices of the peace to assess and the sheriffs to collect, with leave to report by bill or otherwise.

On motion of Mr Mardis: *Resolved*, That the committee on education be instructed to inquire into the expediency of passing a law to ascertain the sense of the citizens of the respective townships in this State, in relation to the selling the sixteenth sections, and applying the funds arising therefrom to the erection of an academy in each county in this State, with leave to report by bill or otherwise.

On motion of Mr Fitts: *Resolved*, That the committee on privileges and elections be instructed to inquire into the expediency of so amending the election law as to have managers appointed by the county court, to hold their office for three years, with power to appoint returning officers, and in lieu thereof they be exempt from serving as jurors.

On motion of mr Roysdon: *Resolved*, That the judiciary committee be instructed to inquire into the expediency of repealing the laws now in force on usury, and so amending said laws, as to permit the lender to recover the principal of the money loaned and that he be debarred from recovering the usury and legal interest on the same, with leave to report by bill or otherwise.

On motion of mr Morrisett: *Resolved*, That the judiciary committee be instructed to inquire into the expediency of so amending the laws establishing the county courts as to make it the duty of the presiding judge of the circuit court to give such judgement, as the judge of the county court ought to have rendered, in all cases taken up by appeal, writ of error, or bill of exceptions, when the amount does not exceed twenty dollars.

On motion of Mr Flournoy: *Resolved*, with the concurrence of the Senate, that a joint committee of three persons be appointed on the part of this House, to act with such committee as may be appointed on the part of the Senate, for the purpose of drafting such rules of order as may be necessary for the government of the two Houses when in joint committee; whereupon me-srs Flournoy, Parsons, and Penn were appointed said committee.

The House resumed the consideration of mr Moore's motion to commit the bill entitled an act to repeal in part a certain act therein named to the judiciary committee. Mr Ellis asked leave of the House to withdraw the instructions offered by himself on Friday last, with the view of offering the following: "with instructions so to amend the act passed the 30th November, 1820, so that the jailers of the several counties of this State, shall not be compelled to receive prisoners, unless at the time there be a good and sufficient jail in the county in which the prisoner may be confined: and further, where prisoners are confined at the suit of the United States, the marshal shall become liable for jail fees, as well as the fifty cents per month, agreeable to the resolution of Congress of the 23d Sept. 1789, and where prisoners are confined at the suit of any other persons, unless the plaintiff in execution comply with the State laws of this State, the defendant may be discharged from prison in the same manner as though he were confined upon process from the State," which was granted. The bill was then referred to the judiciary committee.

A message from the Senate by mr Lyon. Mr Speaker:—The Senate have read three several times and passed a bill which originated in their House, entitled an act for the relief of Jane Tume, in which they ask the concurrence of the House of Representatives.

Engrossed bill and joint resolution of the following titles, to wit: an act to repeal in part and amend an act entitled an act to establish and improve a certain road therein mentioned, approved Jan. 13th 1829, and a joint resolution to authorize the building committee to procure the necessary furniture for the Executive rooms in the State Capitol, were severally read a third time and passed. *Ordered*, that the titles be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Bills of the following titles, to wit: an act to amend an act passed the 13th day of January, 1826, entitled an act to establish a permanent road from Florence in the county of Lauderdale, to Athens in the county of Limestone; an act to alter the name of Lazarus Madding to that of Leigh Maddax; an act to authorize William Johnson, sen. to make titles to lots sold by the commissioners of the town of Pickens, in Pickens

county; an act to legalize the rites of matrimony between Gabriel Butler and Mary Littrell, were severally read a second time, and ordered to be engrossed for a third reading to-morrow.

Bills of the following titles, to wit: an act to reduce the pay of judges of the circuit courts hereafter to be elected in this State; an act to regulate proceedings in certain actions of debt, were severally read a second time, and referred to the judiciary committee to consider and report thereon. The bill entitled an act supplemental to the act establishing the Bank of the State of Alabama, and to regulate damages in transactions and operations of said Bank, was read a second time, and referred to the committee on the State Bank.

The bill entitled an act to attach a part of the counties of Clark and Wilcox to the county of Monroe, and for other purposes, was read a second time. Mr Mobley offered the following amendment: "strike out all after the enacting clause of the first section, and insert in lieu thereof the following: That all that part of Clark county lying east of the Alabama river be, and the same is hereby attached to and compose a part of the county of Monroe." The bill with the proposed amendment was then referred to the committee on county boundaries.

Mr Barclay offered the following resolution: *Resolved*, that the committee on county boundaries be instructed to define in one bill the boundaries of each county in this State, and report the same to this House, which was lost.

The bill entitled an act to emancipate a certain colored person therein named, was read a second time, and referred to the committee on the state of the republic. The bill entitled an act to provide for drawing and compensating jurors to attend the county courts of Franklin and Lawrence counties and for other purposes, was read a second time, and laid on the table.

Mr Ligon, from the judiciary committee to which was referred a resolution instructing them to inquire into the expediency of reporting a bill to this House, more effectually to suppress the circulation of what are called change bills, reported a bill to be entitled an act more effectually to prevent the circulation of what are termed change bills or tickets, which was read a first time, and ordered to a second reading to-morrow.

On motion of Mr Fearn: *Ordered*, That Mr Coleman be added to the committee on education.

On motion of Mr Mobley: *Ordered*, That Mr Clark be added to the committee on accounts.

The bill entitled an act to establish a turnpike road therein named, was read a second time. Mr Brown moved that the bill be referred to the committee on county boundaries, which was carried.

The bill entitled an act requiring the Secretary of State to make an index to the journals of the General Assembly, was read a second time, and referred to the committee on "the public printing."

The bill from the Senate entitled an act to authorize the courts of this State to render judgements final against the security of non residents, was read a first time, and ordered to a second reading to-morrow.

The bill entitled an act to establish the county of ——— was read a second time, and referred to the committee on county boundaries. And then the House adjourned to 10 o'clock, to-morrow, A. M.

Tuesday December 1, 1829.

The House met pursuant to adjournment.

Mr Rather presented the petition of sundry inhabitants of Morgan county, praying the passage of a law to authorize James Vert to erect a

fish trap on Flint river at Glaze's ford, which was read and referred to a select committee consisting of Messrs Rather, Coleman and Ligon.

Mr Van Dyke presented the report of the commissioners appointed to take charge of the property belonging to the State in the town of Cahawba and vicinity, which was read and laid on the table.

Mr Rosydson presented the account of the sheriff of Marion, which was read and referred to the committee on accounts.

Mr Acklen presented the account of Philip Woodson, which was read and referred to the committee on accounts.

Mr Forrest, from the committee on education, to which was referred the petition of David Aveyry and John Roden commissioners of the sixteenth section in township No 11, range 3 east of the basis meredian of Huntsville, praying compensation for expenses incurred by them in surveying and laying off into lots the said section; reported a bill to be entitled an act supplementary to an act passed the 15th day of January 1838, entitled an act to authorize the sales of the sixteenth sections and for other purposes, which was read a first time and ordered to a second reading on to-morrow.

Mr Goldthwaite, from the judiciary committee to which was referred a resolution instructing them to inquire into the expediency of establishing a separate supreme court; reported a bill to be entitled an act to establish the supreme court of the State of Alabama, which was read a first time and laid on the table. *Ordered* that 100 copies thereof be printed for the use of this House.

Mr Weissinger, from the committee on propositions and grievances to which was referred the petition of sundry inhabitants of Franklin county, praying the passage of a law to authorize Ebenezer Harget to retail spiritous liquors without a license, reported that it is inexpedient to legislate upon the subject. In which report the House concurred.

On motion of Mr Ligon: *Resolved*, that with the concurrence of the Senate the two houses will convene in the Representative Hall at the hour of 12 o'clock on this day, for the purpose of going into the election of a judge of the county court for the county of Limestone.

Mr Coleman, from the judiciary committee to which was referred a resolution instructing them to inquire into the expediency of establishing a more uniform practice in relation to judgements by default in the several courts of this State, reported a bill to be entitled an act to establish an uniform practice in the several courts of this State in relation to judgements by default, which was read a first time and ordered to a second reading to-morrow.

Mr Mardis made the following report: The judiciary committee to which was referred a resolution instructing them to inquire into the expediency of allowing by law a longer time to constables to make returns on executions, have according to order had the same under consideration, and have instructed me to report, that in the opinion of this committee it is inexpedient to legislate upon the subject of the resolution. Mr Moore moved that the report lie on the table, which was carried.

Mr Mardis made the following report: The judiciary committee to which was referred, a resolution instructing them to inquire whether under the last census, so much of the second section of the first article of the General Assembly dividing the State into senatorial districts as constitutes one senatorial district of the counties of Pickens and Oglethorpe, and one senatorial district of the county of Franklin be not in contravention of the constitution, and whether under the provisions of said consti-

tation the counties of Pickens and Fayette ought not to compose one senatorial district, and the counties of Franklin and Marion, another senatorial district, and if in the opinion of the said committee so much for said section as aforesaid be contrary to the provisions of the constitution, whether the present General Assembly have the power during its present session to make any alteration or amendment of the section aforesaid; have according to order had the same under consideration and have instructed me to report that in the opinion of the committee they have not the constitutional right to alter the senatorial districts, as established by the last, or any other act of apportionment; therefore ask leave to be discharged from the further consideration of the matters embraced in the resolution; in which report the house concurred.

A message from the Senate, by Mr Lyon. Mr Speaker: the Senate concur in the resolution of your honorable body proposing to go into the election of a judge of the county court of Limestone this day at 12 o'clock.

Mr Hudson from the committee on propositions and grievances to which was referred the petition of James H. Irons and others; reported a bill to be entitled an act to manumit certain slaves therein mentioned, which was read a first time and ordered to a second reading to-morrow.

Mr Roysdon, from the judiciary committee to which was referred a resolution instructing them to inquire into the expediency of passing a law authorizing defendants to compel plaintiffs to give security for payment of costs upon failure of prosecuting suits with effect in the circuit and county courts of this State, reported that it is inexpedient to pass such a law as contemplated by the resolution. Mr Goldthwaite moved that the report lie on the table, which was carried.

Mr Fearn made the following report: The committee on education, to whom was referred a resolution inquiring into the expediency of dividing the University fund and establishing preparatory schools as well as the constitutionality of the measure, have according to order had the subject under consideration and respectfully report, that in the opinion of your committee the measure is inexpedient and as the majority of the committee believe repugnant to the provisions of the constitution. Mr Forrest moved that the report lie on the table, which was carried.

Mr Fearn made the following report: The committee on education to whom was referred a resolution directing said committee to inquire into the propriety of taking the sense of the people of the several townships upon the propriety of applying the funds arising from sixteenth sections so as to erect an academy in each county, have had the same under consideration, and believe the measure to be inexpedient. In which report the House concurred.

Mr Goldthwaite, from the judiciary committee, to which was referred, a bill to be entitled an act to change the time of holding the circuit courts of the counties of Henry, Covington and Dale, reported the bill without amendment. Mr Bates moved to amend the bill by adding thereto an additional section, which was carried. The bill as amended was then ordered to be engrossed for a third reading to-morrow.

On motion of Mr Parsons: *Ordered*, that Mr Morrisett be added to the judiciary committee.

On motion of Mr Williams: *Ordered*, that Mr Banks be added to the committee on roads bridges and ferries.

On motion of Mr Bates: *Resolved*, That the judiciary committee be instructed to inquire into the expediency of having the laws of this State digested, and reduced to a more convenient form than they are at present, and also of the propriety of discontinuing and expunging from said digest

such laws and parts of laws as have been repealed by subsequent acts of the legislature or are obsolete from the lapse of time and their own limitation &c. and that the said committee report by bill or otherwise.

On motion of Mr Lawler: *Resolved*, That the Senate be informed that the H. of Representatives are now ready to receive them in the Hall of the House of Representatives for the purpose of going into the election of a judge of the county court of Limestone county. The Senate having repaired to the Hall of the House of Representatives and taken their seats. The two Houses proceeded to the election of a judge of the county court for Limestone county, William Richardson and William I. Mason being in nomination.

Those who voted for Mr Richardson are, Messrs President, Abercrombie, Anderson, Conner, Crawford, Evans, Hubbard, Irwin, Moore, Morton, and Watkins of the Senate. Messrs Banks, Bates, Bibb, Bradford, Brodnax, Byrnes, Clark, Coleman, Conner, Coopwood, Dale, Darrett, Ellis, Fitts, Flournoy, Goldthwaite, Hodges, Horton, Jackson, Jones, Mead, Mercalfe, Mims, Mobley, Morrisett, Murphree, Oliver, Perkins, Pope, Ross, Roydson, Ship and Taylor, of the House.

Those who voted for Mr Mason are, Messrs Edmundson, Garth, Hogan, McVay, Meniwether, Perry, Pickett, Smith, Vining, Walthall, and Wood of the Senate — Messrs Speaker, Acklen, Baker, Barclay, Brown, Cole, Cook, Craig, Curtis, Dennis, Fearn, Forrest, Green, Grigsby, Hays, Hester, Hudson, King, Lane, Lawler, Ligon, Mardis, Massey, McElderry, Moore, Parsons, Penn, Philpott, Rather, Richardson, Robinson, Roulston, Russell, Smith, Van Dyke, Ward, Weissinger, Williams and Young.

William I. Mason having received a majority of votes Mr Speaker therefore declared him duly elected judge of the county court for Limestone county, and then the Senate withdrew.

Mr Perkins obtained leave to introduce a bill to be entitled an act making appropriation to pay the balance of the amount, to which the commissioners of the State Capitol were authorized by law to contract, and for which there has been no appropriation which was read a first time and ordered to a second reading to-morrow..

Mr Lawler offered the following resolution; *Resolved*, That the committee on the State Bank be instructed to inquire into the expediency of passing a law to require the President and Directors of the Bank of the State of Alabama, when they discount notes to retain the interest thereon up to the first of January next, ensuing, and that no curtailment shall be required on notes by them discounted; but that all notes shall become due and payable on the first of January next, after such note may be discounted; and that said committee further inquire into the propriety of equalizing, as near as may be, the accommodations of said Bank, so as to make the accommodations, whether by bills, notes, or otherwise, as near equal amongst all the counties of this State, as may be, having the population of the counties as the basis; or whether it be most expedient and equitable to apportion the accommodations to the different counties in this State in proportion to the amount of taxes paid by said counties.— Mr Parsons offered the following amendment after the word “notes” where it first occurs, the words “discontinued under the apportionment, provided to be made in January of each year, according to the representation of the several counties, which was lost. The resolution was then adopted.

Mr Philpott called up the bill entitled an act to provide for drawing and compensating jurors to attend on the county courts of Franklin and Lawrence counties and for other purposes. The bill was then referred to a select committee consisting of Messrs Philpott, Horton and Coopwood.

Agreeably to a joint resolution providing for the appointment of a

committee to investigate and examine the proceedings of the commissioners elected to class and value the lands given to this State for the purpose of internal improvement. the House proceeded to the election of said committee, whereupon Messrs Fearn, Parsons and Goldthwaite were elected said committee.

And then the House adjourned till to-morrow at 10 o'clock A.M.

Wednesday December 2, 1829.

The House met pursuant to adjournment.

A message from the Senate, by Mr Lyon. Mr Speaker: The Senate have passed bills and a joint resolution and memorial, which originated in their House entitled an act to alter and amend the charter of incorporation of the city of Mobile. Joint resolution to authorize the appointment of a commissioner to act with such commissioner as may be appointed by the United States to define the boundary line between this state and West Florida; and a memorial to Congress relating to the boundary line between the State of Alabama and West Florida; in which they desire the concurrence of the House of Representatives. They have passed bills which originated in the House of Representatives, entitled an act to alter the times of holding the county courts of Jefferson county; and an act to change the mode of compensating jurors in the county of Pike. They concur in the resolution of the House of Representatives proposing the appointment of a joint committee for the purpose of drafting such rules of order as may be necessary for the government of the two Houses when in joint meeting, and have appointed on their part Messrs Garth, Crawford and Wood. The Senate has pursuant to the provisions of the joint resolution of the present session, elected a committee on their part consisting of Messrs Abernombie, Crawford and Hogan, to act with such committee as may be elected on the part of the House of Representatives, to examine and investigate the proceedings of the commissioners elected to class and value the lands granted to this State for purposes of internal improvement.

Mr Perkins presented the account of the jailer of Tusculoosa county, which was read referred to the committee on accounts.

Mr Ellis presented the account of the sheriff of Walker county, which was read and referred to the committee on accounts.

Mr Smith presented the memorial of John Lindsay executor of William Lindsay, deceased, praying the passage of a law to register a deed executed by Samuel Love to William C. B. Lindsay and Calvin R. Lindsay, infant heirs of said William Lindsay for the east half of the southwest quarter, section 33, township No. 16, Range one east, Tuscaloosa district, which was read and referred to a select committee consisting of Messrs Smith, Massey and Russell.

Mr Massey presented sundry accounts of the sheriff and jailer of St. Clair county, which were severally read and referred to the committee on accounts.

Mr Taylor presented the petition of sundry citizens of the town of Cahawba and vicinity, praying the passage of a law to make sale of the property belonging to the State in the town of Cahawba and vicinity, which was read and referred to the same committee to which was referred a petition heretofore on that subject.

Mr Bibb, from the committee on Indians and Indian lands within the chartered limits of this State, to which was referred the resolution directing an inquiry into the expediency of extending the jurisdiction and laws of this state over all Indians, and all lands in the possession of Indian

within the chartered limits of this state, reported a bill to be entitled an act to extend the jurisdiction of the State of Alabama over the Indian territory, lying within the limits of the State of Alabama, and for other purposes, which was read a first time, and laid on the table. *Ordered*, that 500 copies be printed for the use of this House.

The same committee, to which was referred a bill to extend the jurisdiction of the State of Alabama over the Cherokee nation, and a bill to extend the jurisdiction of the State of Alabama over all that part of the Chickasaw nation lying within the chartered limits of this State, reported the same without amendment. Mr Bibb moved that the bills lie on the table, which was carried.

Mr Perkins, from the committee on the State Bank, to which was referred a bill to be entitled an act supplemental to the act, establishing the Bank of the State of Alabama, and to regulate damages in transactions and operations of said bank, reported the same without amendment. Mr Perkins moved that the further consideration of the bill be indefinitely postponed—the motion pending—the House adjourned to to-morrow at 10 o'clock, A. M.

Thursday, December 3, 1829.

The House met pursuant to adjournment.

Mr Jones presented the petition of sundry inhabitants of Bibb county, praying the annexation of territory to said county, which was read and referred to the committee on county boundaries.

Mr Jones presented the petition of sundry inhabitants of Bibb county, praying the passage of a law to locate the seat of justice of said county, which was read and referred to the committee on propositions and grievances, to consider and report thereon.

Mr Coopwood presented the petition of George W. Stoneroad, praying the passage of a law to emancipate a certain slave therein named, which was read and referred to the committee on propositions and grievances.

Mr Van Dyke, from the judiciary committee to which was referred a resolution instructing them to enquire into the expediency of providing by law some uniform mode of paying sheriffs and constables for keeping stock when taken by virtue of an execution, reported a bill to be entitled an act to compensate sheriffs and constables for keeping stock levied on by virtue of an execution or attachment, which was read a first time, and ordered to a second reading to-morrow.

Mr Morrisett, from the same committee to which was referred a resolution instructing them to inquire into the expediency of so amending the laws establishing the county courts, as to make it the duty of the presiding judge of the circuit court, to give such judgement as the judge of the county court ought to have rendered, in all cases taken up by appeal, writ of error, or bill of exceptions, where the amount in controversy does not exceed twenty dollars, reported a bill to be entitled an act regulating appeals taken from the county to the circuit court, which was read a first time, and ordered to a second reading to-morrow.

Mr Rather, from the committee on propositions and grievances, to which was referred the petition of George M. Taylor, reported a bill to be entitled an act to allow compensation to George M. Taylor for expenses incurred in the prosecution of David M. Smithson, which was read a first time, and ordered to a second reading to-morrow.

Mr Ellis, from the judiciary committee, to which was referred a resolution instructing them to inquire into the expediency of authorizing the courts of roads and revenue for the several counties in this state, to fix the

amount of compensation, and the manner of paying of the grand and petit jurors for their respective counties, reported a bill to be entitled an act to authorize the courts of roads and revenue, to fix and regulate the compensation of jurors, which was read a first time, and ordered to a second reading to-morrow.

Mr Young, from the committee on accounts, to which was referred the several accounts of Aaron Readus, jailer of Limestone county, reported that said accounts are not authenticated according to law, and ought not to be allowed, and ask leave to be discharged from the further consideration of the subject. Mr Bibb moved that the House disagree to the report, which was carried. Mr Bibb then moved that the accounts be referred to a select committee, with instructions to report a bill allowing the accounts: whereupon messrs Bibb, Parsons and Lane were appointed said committee.

Mr Young, from the same committee, to which was referred the several accounts of William Howson, jailer of Madison County, reported that neither of said accounts are authenticated according to law, and that each of said accounts contains items not chargeable upon the State, that neither of said accounts ought to be allowed, and ask leave to be discharged from the further consideration of the subject. Mr Fearn moved that the report lie on the table, which was carried.

The same committee, to which was referred the account of George W. Myers, late sheriff of Washington county, reported that said account is not authenticated according to law, and ask leave to be discharged from the further consideration of the subject. Mr Fitts moved that the report lie on the table, which was lost. It was then concurred in by the House.

The same committee, to which was referred the account of John Grigg, sheriff of Lawrence county, reported that said account is not made out as the law requires, nor authenticated according to law, and parts of the same not chargeable to the state, and that said account ought not to be allowed, and ask leave to be discharged from the further consideration of the subject. Mr Coopwood moved that the report lie on the table, which was carried.

Mr Bibb obtained leave to introduce a joint memorial to the Congress of the United States asking relief for forfeiters and relinquishers of public lands, which was read a first time, and ordered to a second reading to-morrow.

Mr Acklen, from the judiciary committee, to which was referred a resolution instructing them to inquire into the expediency of passing a law authorizing a partial failure of consideration to be plead at law, reported a bill to be entitled an act to authorize a partial failure of consideration to be plead at law, which was read a first time, and ordered to a second reading to-morrow.

Mr Philpott made the following report: The select committee to which was referred a bill to be entitled an act to provide for drawing and compensating jurors to attend on the county courts of Franklin and Lawrence counties, and for other purposes, have had the same under consideration, and directed me to report the same with sundry amendments, to wit: after the word "Franklin," in the title of the said bill, insert the word "Morgan:" where the word "Franklin" occurs in the first section, insert immediately after it the word "Morgan:" in the second section strike out the words "and twenty-five cents:" strike out the whole of the third section; and in the last section strike out the word "February," and in-

sert in lien thereof the word "January." In all which amendments they respectfully ask the concurrence of the House. *Ordered*, That the House concur in the several amendments to said bill. It was then ordered to be engrossed for a third reading to-morrow.

Mr Russell from the select committee to which was referred the resolution instructing them to inquire into the expediency of addressing a memorial to the Congress of the United States, asking the postponement of the sales of the public lands in Jackson county, reported a joint memorial to the Congress of the United States, praying a postponement of the sales of the public lands in the county of Jackson, which was read a first time, and ordered to a second reading to-morrow.

Mr Hudson, from the select committee to which was referred the petition of sundry inhabitants of the town of Tuscumbia and county of Franklin, reported a bill to be entitled an act to amend an act entitled an act to incorporate the Spring Creek navigation company, which was read a first time, and ordered to a second reading to-morrow.

Mr Taylor made the following report: The select committee to which was referred the petition of John Sitton, the patentee of a machine called the wheelwright's assistant, have performed the duty assigned them, and instructed me to report, viz: That they have examined the machine, and find it constructed with great simplicity for the purpose of making carriage wheels of all descriptions, at a cost less than half the common price and less than the labor of the usual mode of constructing wheels. As an instance of the facility and rapidity of the operation, your committee would state that the inventor can cut the tenons and shoulders to the spokes of a waggon wheel in *three minutes*. An additional advantage consists in the cheapness of the machine, and its adaptation to the use of the most common capacity, which places its acquisition within the reach of every planter in the community. Your committee have no hesitation in pronouncing it a machine of great utility, and well worthy the attention of the planters of Alabama. The committee have further instructed me to report, that they deem it inexpedient for the State to purchase, as from its small cost, it will readily be at the command of the agricultural interests of the State. In which report the House concurred.

Mr Rather, from the select committee to which was referred a resolution instructing them to inquire into the expediency of drafting a memorial to the Congress of the United States, praying the appointment of commissioners to run the line between this State and the Cherokee Indians, reported a joint resolution in relation to the Cherokee boundary, which was read a first time, and ordered to a second reading to-morrow.

Mr. Bates obtained leave to introduce a joint resolution, imposing a duty of three cents per ton on ships or vessels entering the port of Mobile, for the purpose of paying the harbor master of Mobile, which was read a first time, and ordered to a second reading to-morrow.

Mr Ligon obtained leave to introduce a bill to be entitled an act to alter and amend the patrol laws of this state, which was read a first time, and ordered to a second reading to-morrow.

Mr Byrnes obtained leave to introduce a bill to be entitled an act to repeal an act entitled an act to amend an act entitled an act concerning roads, highways, bridges, and ferries, in the county of Mobile, passed Dec. 26, 1826, which was read a first time, and ordered to a second reading to-morrow.

On motion of Mr Oliver: *Resolved*, That the judiciary committee be instructed to inquire whether the laws in relation to the administration of

the estates of deceased persons, and the manner of auditing the same, and the fees allowed therefor, need any, and if any what amendment, with leave to report by bill or otherwise. And then the House adjourned to 10 o'clock to-morrow, A. M.

Friday, December 4th, 1829,

The House met pursuant to adjournment.

Mr Mardis presented the account of the sheriff of Shelby county, which was read and referred to the committee on accounts.

Mr Penn, from the committee on privileges and elections, to which was referred a resolution instructing them to inquire into the expediency of establishing election precincts at every company muster ground, in each and every county in the State, reported that it is unnecessary and inexpedient, in which report the House concurred.

Mr Conner, from the judiciary committee to which was referred, the resolution instructing them to inquire into the expediency of abolishing the county court system and establishing a court of ordinary, reported that it is inexpedient to pass such a law; in which report the House concurred.

Mr Weissinger, from the committee on propositions and grievances, to which was referred the petition of sundry citizens of that part of Clarke county taken from Monroe at the last session of the General Assembly, claiming the right of suffrage as citizens of Monroe, ask leave to be discharged from the further consideration of the subject, which was granted. The petition was then referred to the committee on privileges and elections.

Mr Goldthwaite, from the judiciary committee, to which was referred, the bill to be entitled an act to regulate proceedings on certain actions of detinue; reported the bill as amended, by striking out the fifth section. In which amendment the House concurred. It was then ordered to be engrossed for a third reading to-morrow.

Mr Ligon, from the judiciary committee, to which was referred, a resolution instructing them to inquire into the expediency of reducing the fees of justices of the peace and constables, reported that it is inexpedient to legislate upon the subject at this time; in which report the House concurred.

Mr Penn, from the committee on privileges and elections, to which was referred, a resolution instructing them to inquire into the expediency of repealing the law which directs that all elections made by the people shall be by ballot, and to inquire further whether it is not more consistent with the spirit of freedom and independence which should characterize the acts of our citizens in all public proceedings that such elections should be made viva, voce reported that it is inexpedient to legislate on the subject at this time. Mr Penn moved that the report lie on the table, which was carried.

Mr Young, from the committee on accounts, to which was referred, the account of Allen Moore, sheriff and jailer of Washington county; reported that said account is not authenticated according to law, nor does it appear that said account is chargeable upon the State and ought not to be allowed, and ask leave to be discharged from the further consideration of the subject. Mr Fitts moved that the report lie on the table, which was carried.

Mr Young, from the committee on accounts, to which was referred the accounts of Camel Sharp, jailer of Monroe county, reported that said ac-

counts are not authenticated according to law, and ask leave to be discharged from the further consideration of the subject.

Mr Morrisett, moved that the accounts be referred to the committee on propositions and grievances, which was carried.

Mr Young, from the committee on accounts, to which was referred the accounts apparently of Samuel Frisbee, reported that said accounts are not authenticated according to law, and are not chargeable upon the State, and ought not to be allowed, and ask leave to be discharged from the further consideration of the subject. Mr Fitts moved that the report lie on the table, which was carried.

Mr. Mardis made the following report: The select committee to which was referred a joint resolution asking the establishment of a land office in Bellefonte, have, according to order, had the same under consideration, and have instructed me to report the same, with the following amendment to come in at the end of said resolution, to wit: "*Provided*, that nothing in this resolution contained is intended to affect the land office established by law at Huntsville." In which amendment the House concurred. Mr Mardis who voted in the majority in concurrence with the report of the committee, moved to reconsider the vote, which was carried. Mr Coopwood moved that the report lie on the table, which was carried.

Mr Rather, from the committee on propositions and grievances, to which was referred the petition of sundry inhabitants of Bibb county, reported that the prayer of the petitioners is unreasonable, and ought not to be granted. Mr Hudson moved that the report lie on the table, which was carried.

Engrossed joint resolution, asking the establishment of a land office in Bellefonte, was read a third time. Mr Fearn moved to amend the resolution by way of the following engrossed rider: "*Provided*, that the establishment of said office shall not effect the discontinuance of the land office at Huntsville," which was adopted. Yeas 39—Nays 18.

The yeas and nays being desired, those who voted in the affirmative are Messrs Speaker, Acklen, Bates, Bradford, Brodnax, Brown, Byrnes, Cole, Coleman, Conner, Curtis, Dale, Fearn, Fitts, Forrest, Green, Hays, King, Lawler, Ligon, Massey, McElderry, Mims, Moore, Murphree, Oliver, Parsons, Penn, Philpott, Rather, Richardson, Robinson, Ross, Ship, Smith, Taylor, Weissinger, Williams, and Young—39.

Those who voted in the negative are Messrs Barclay, Clark, Coopwood, Dennis, Ellis, Flournoy, Goldthwaite, Grigsby, Hester, Hodges, Hudson, Jackson, Jones, Mardis, Metcalfe, Roulston, Russell, Ward—18.

The resolution was then passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Goldthwaite obtained leave to introduce a bill to be entitled an act to make an appropriation for the payment of a certain claim against the State of Alabama, which was read a first time. Mr Goldthwaite then moved that the rule requiring bills to be read on three several days be dispensed with, and that it be read a second time forthwith, which was carried. The bill was then read a second time forthwith. Mr Perkins moved to amend the bill by an additional section, which was carried. Mr Goldthwaite then moved that the rule be further dispensed with, and the bill be considered as engrossed and read a third time forthwith, which was carried. The bill was then read a third time. Mr Goldthwaite moved to amend the title of the bill, by striking out the letter A, with a view to insert the letter S, which was carried: The bill was then passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

On motion of mr Ellis: *Resolved*, That the committee on county boundaries inquire into the expediency of establishing the boundary line between Tuscaloosa and Bibb as follows: Running from the head of Big Sandy creek, to a large bluff where Coffee's creek passes through the Sand mountain. in the most direct route so as to include James Hill in the county of Bibb; thence along said mountain to Gillespie's mill; thence to the point where the county lines of Tuscaloosa, Jefferson, and Bibb intersect; with leave to report by bill or otherwise.

Mr Conner offered the following resolutions: *Resolved*, That so much of the Governor's message as relates to the lands granted to the State of Alabama by the United States, lying in the valley of the Tennessee, be referred to the committee on lands appropriated for internal improvement; that so much as relates to the improvement of the Tennessee river, and the accomplishment of a canal round the muscle shoal, be referred to the committee on inland navigation; that so much as relates to the junction of the waters of the Tennessee, with those of the Alabama river, be referred to the committee on inland navigation; that so much as relates to the pecuniary pressure and embarrassments of the agricultural interest of the State; the auction system of disposing of public lands; the system of graduated prices for the same; and the various resolutions, reports and proceedings of the several States therein mentioned, be referred to the committee on the state of the republic; which were severally concurred in, and adopted by the House.

Mr Hudson obtained leave to introduce a bill to be entitled an act for the relief of Bartholemew Gates, late jailer of Franklin county, which was read a first time, and ordered to a second reading to-morrow. The House then proceeded to the orders of the day.

The joint memorial to the Congress of the United States, asking relief for the forfeiters and relinquishers of public lands, was read a second time, and referred to the joint committee, appointed for the purposes of memorializing Congress on that subject, and that said committee report on Monday next.

Joint Resolution, asking the consent of Congress to a law passed by the legislature of this State, imposing a duty of three cents per ton on ships or vessels entering the port of Mobile. was read a second time. Mr Bates then moved that the resolution be considered as engrossed, and read a third time forthwith, which was carried. The resolution was then read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Coopwood moved that mr Massey be added to the committee on accounts, which was carried.

Mr Weissinger moved to add mr Lawler to the committee of propositions and grievances, which was carried. And then the House adjourned till to-morrow morning 10 o'clock.

Saturday, December 5, 1823.

The House met pursuant to adjournment.

A message from the Senate by mr Lyon. Mr Speaker:—The Senate have read three several times and passed bills originating in the Senate, to be entitled an act to extend the powers of the county court of Dallas county in relation to roads; and an act to authorize Eli Holy to emancipate his female slave named Bet, in both of which they desire the concurrence of the House of Representatives.

Mr Speaker laid before the House the petition of sundry inhabitants

of Perry county, on the west side of the Cahawba river, praying that, that part of Greene County on the east side of the Warrior river, be annexed to Perry county, which was read and referred to the committee on county boundaries.

Mr Coopwood presented the account of Willie Conner, which was read and referred to the committee on accounts.

Mr Parsons presented the petition of John B. Hazard, praying that a judgement obtained by the Tombeckbe Bank against the State, be settled, which was read and referred to the committee on accounts.

Mr Grigsby presented the petition of sundry inhabitants of Dallas county, praying that the Alabama river be a dividing line between counties, which was read and referred to the committee on county boundaries.

Mr Richardson presented the account of James Boggs, constable, which was read and referred to the committee on accounts.

Mr Olver presented the account of Mosely Baker, which was read and referred to the committee on accounts.

Mr Perkins presented the memorial of Henry Sossaman, in relation to the State Capitol, which was read and referred to the committee on the State Capitol.

Mr Forrest made the following report: The committee on roads, bridges and ferries, to which was referred a bill to be entitled an act to establish a turnpike road therein mentioned, have according to order had the same under consideration, and have amended the same as follows: strike out the words "said road," where it occurs in the third section, and insert in lieu thereof the following, "and complete the said road as hereinafter required: strike out the words "from fifteen to," where they occur in the same section: In the fifth section insert the words "for each offence," after the word "dollars" as herewith shewn; in all which amendments they respectfully ask the concurrence of the House. *Ordered*, that the House concur in the several amendments to said bill. The bill was then ordered to be engrossed for a third reading on Monday next.

Mr Forrest made the following report: The committee on roads, bridges, and ferries, to which was referred the petition of sundry citizens of Tuscaloosa county, residing north of the Black Warrior river, praying the passage of a law authorizing a road to be opened from the main street, at the first cross street east of the State House, in the town of Tuscaloosa, in a direct line to the margin of the river, at the northwest corner of a block of lots belonging to Otis Dyer, thence with the margin of the river to the western boundary line of the town, so as to meet a road heretofore laid out by the court of roads and revenue of Tuscaloosa county, have, according to order, had the same under consideration, and have instructed me to report, that in the opinion of the committee, the prayer of the petitioners is unreasonable, and ought not to be granted, and ask leave to be discharged from the further consideration of the subject. Mr Perkins moved that the report lie on the table, which was carried.

Mr Speaker laid before the House the record and proceedings of the circuit court of Dallas county, in the case of Hilary Lee, *vs.* Sabina Lee, for divorce, which was read and referred to the committee on divorce and alimony.

Mr Ellis presented the account of the sheriff of Tuscaloosa county, which was read and referred to the committee on accounts.

Mr Ellis, from the judiciary committee, to which was referred the bill to be entitled an act to repeal in part a certain act therein named, reported

a substitute in lieu thereof, which was adopted by the House. Mr Goldthwaite moved to amend the bill by adding thereto an additional section. Mr Fearn moved that the further consideration of the bill be indefinitely postponed, which was lost. Yeas 33—Nays 37.

The yeas and nays being desired, those who voted in the affirmative are Messrs Acklen, Baker, Banks, Barclay, Bates, Bibb, Bradford, Brown, Clark, Cole, Conner, Coopwood, Dennis, Ellis, Fearn, Fitts, Grigsby, Hays, Hester, Jones, King, Metcalfe, Mims, Moore, Penn, Perkins, Pope, Richardson, Russell, Taylor, Ward, Williams, and Young—33.

Those who voted in the negative are Messrs Speaker, Brodnax, Byrnes, Coleman, Cook, Craig, Curtis, Dale, Durrett, Flournoy, Forrest, Goldthwaite, Green, Hedges, Horton, Hudson, Jackson, Lane, Lawler, Ligon, Morris, Massey, McElderry, Mead, Mobley, Morrisett, Murphree, Oliver, Parsons, Philpott, Rafter, Robinson, Ross, Roulston, Ship, Smith, and Weissinger—37.

The question was then on the adoption of Mr Goldthwaite's amendment, and carried. The bill was then ordered to be engrossed for a third reading on Monday next.

Mr Perkins made the following report: The committee on the State Bank, to which was referred a resolution instructing an inquiry into the expediency of limiting the purchase of bills of exchange; requiring the affidavit of an applicant for loan, that he has not directly or indirectly received more than two thousand dollars, from the State bank, and requiring the directors to give preference in loans to those that never had been accommodated, have instructed me to report that it is inexpedient to pass any further laws on the several propositions of the resolution. Mr Craig moved that the report lie on the table, which was carried.

Mr Perkins made the following report: The committee on the State Bank, to which was referred a resolution instructing an inquiry into the expediency of requiring the president and directors of the bank, when they discount notes, to retain the interest thereon, up to the 1st of Jan. next ensuing, without curtailment, and make all notes due and payable the first of January after such discount, and equalize the accommodation by notes or bills to the respective counties, as equally as may be, having population as the basis, or whether taxes should be the basis, have instructed me to report that it is inexpedient to pass laws now on the respective subjects. Mr Goldthwaite moved that the report lie on the table, which was carried.

Mr Bibb, from the select committee to which was referred the petition of Aaron Reddus, Jailer of Limestone county, reported a bill to be entitled an act for the compensation of Aaron Reddus, jailer of the county of Limestone, which was read, and ordered to a second reading on Monday next.

Mr Smith, from the select committee to which was referred the petition of John Lindsey, reported a bill to be entitled an act to permit John Lindsey to have registered a deed therein named, which was read and ordered to a second reading on Monday next.

Mr Baker, from the select committee to which was referred the petition of the citizens of the sixteenth section, township no. 17, range no. 20, reported a bill to be entitled an act authorizing the school commissioners of section 16, township 17, and range 20, to hold an election, and for other purposes, which was read a first time, and ordered to a second reading on Monday next.

Mr Penn offered the following resolution: *Resolved*, that a standing committee be appointed to examine the offices of the Comptroller and Treasurer, which was lost.

Mr Cook obtained leave to introduce a bill to be entitled an act to authorize the county court of Butler county, to cause certain records therein named to be transcribed; which was read, and ordered to a second reading on Monday next.

Mr Horton obtained leave to introduce a joint resolution, asking the removal of the land office from the town of Huntsville, to some more central point in the Huntsville land district; which was read and ordered to a second reading on Monday next.

On motion of Mr Fearn: *Resolved*, that the committee on lands appropriated &c. be instructed to inquire into the expediency of amending the act of the last session, providing for the sale of said lands, so as to render more explicit that part which relates to discounts for prompt payment and such other parts of said act, as may appear to them defective, with leave to report by bill or otherwise.

Mr Craig offered the following resolution: *Resolved*, That the committee on the State Bank be instructed to inquire into the expediency of increasing the capital stock of the State Bank, by opening books in various parts of this State, to obtain stock to such amount as may be required, with leave to report by bill or otherwise, which was lost.

Mr Ligon obtained leave to introduce a joint resolution, proposing an amendment to the constitution, so as to render the sheriffs of the respective counties re-eligible; which was read, and ordered to a second reading on Monday next.

Mr Coopwood moved to call up the report of the committee on propositions and grievances, relating to the seat of justice of Bibb county, which was lost. The House then adjourned to Monday, 10 o'clock, A. M.

Monday, December 7, 1829.

The House met pursuant to adjournment.

Mr Lawler presented the petition of sundry inhabitants of St. Clair and Shelby counties, praying the passage of a law to establish a ferry across the Coosa river, at the place known as Kimulga, on the lands of Thomas I. and Samuel Smith; which was read, and referred to the committee on roads, bridges and ferries.

Mr Taylor presented a counter petition, of sundry citizens of Dallas county, the town of Cahawba and vicinity, relating to a petition heretofore presented on the subject of the sale of the public property in Cahawba and the vicinity, which was read and referred to the same select committee, to which said petition heretofore presented was referred.

Mr Brodnax presented the account of the jailer of Autauga county, which was read and referred to the committee on accounts.

Mr Bates presented the petition of Registe Bernedy, praying the passage of a law to emancipate certain slaves therein named, which was read and referred to the committee on propositions and grievances.

On motion of Mr Rather: *Ordered*, That Mr M'Elderry have leave of absence for two weeks.

Mr Young, from the committee on accounts, to which was referred the accounts of T. Sanford, reported that the said accounts are not chargeable upon the State, with the exception of four dollars eighty-seven and one half cents, and that said accounts ought not to be allowed, and ask leave to be discharged from the further consideration of the subject. Mr Bates moved that the report lie on the table, which was lost. It was then concurred in by the House.

Mr Goldthwaite, from the joint committee to which was referred the memorial to the Congress of the United States, asking relief for forfeiters and

relinquishers of public lands, reported a substitute in lieu thereof, which was adopted by the House. It was read a second time, and laid on the table, and one hundred copies ordered to be printed for the use of this House, on Mr Fearn's motion.

Mr Perkins, from the committee on the State Bank, to which was referred a resolution instructing an inquiry into the expediency of requiring the State Treasurer to perform the duties of cashier of the Bank of the State of Alabama, reported that it is inexpedient; in which report the House concurred.

Mr Perkins, from the same committee to which was referred a resolution instructing an inquiry to be made into the expediency of requiring the State Treasurer to perform the duties of President of the Bank of the State of Alabama, reported a bill to be entitled an act, to make it the duty of the State Treasurer to discharge the duties of President of the State Bank, which was read a first time, and ordered to a second reading on to-morrow.

Mr Curtis, from the select committee to which was referred a resolution to advise on the propriety of changing the present mode of licensing physicians to practice medicine, reported a bill to be entitled an act to amend an act entitled an act to regulate the licensing physicians to practice, and for other purposes therein named, passed December 22, 1823, which was read and ordered to a second reading to-morrow.

Mr Forrest, from the committee on roads bridges and ferries, to which was referred the petition of sundry inhabitants of Walker county, reported a bill to be entitled an act to authorize Daniel Payne and his associates, to open a turnpike road therein named, which was read and ordered to a second reading to-morrow.

Mr. Craig and others, availed themselves of their constitutional privilege of spreading on the journals of this House their reasons for voting against the passage of the bill entitled an act to suspend the sales of the lands granted to the State of Alabama for the purposes of internal improvement, which are as follows:

We of the minority, do protest against the bill that has passed the House of Representatives, that authorizes the immediate closing of the Land Office in Courtland, for the following reasons: In the first place, we believe the experiment of closing the Office forthwith, would be a dangerous infraction of the legitimate principles of legislation; because good policy, as well as the dictates of justice forbid the sudden repeal of an established law of the land, involving the interests of an extensive community without strong and adequate reasons. The ostensible grounds upon which the necessity of immediately suspending the proceedings of the Land Office, have been urged by its advocates, we conceive to be wholly insufficient and indefensible. And we here cannot refrain the expression of a strong feeling of protestation, and astonishment at the manner in which said bill was hurried on its passage by an extraordinary effort to dispense with the established rule of legislation, that requires that every bill shall be read on three several days prior to its becoming a law. Why this precipitate movement we were unable to comprehend, and we cannot but regard it as an inconsiderate attempt to arrest that free and untrammelled discussion that should characterize the proceedings of every deliberative assembly. Without the enjoyment of this free discussion it is impossible that the voice of that portion of a community whose rights and interests are threatened to be invaded, can be effectually heard through the medium of their representatives. We do also protest against

the equally extraordinary course adopted by the advocates of the bill, in the progress of the discussion, as a more successful expedient to preclude the privilege of debate by calls for the previous question, a course never adopted or justifiable except on occasions of extraordinary emergency that such urgent necessity existed as to render the ordinary latitude of discussion dangerous to the general interest of the State, we hesitate not to say, will not be averred by the advocates of the bill. And we cannot but express our profound regret, that in despite of the great solicitude evinced by the minority, to be indulged in a more deliberate discussion, they were constrained to experience the mortifying alternative of being overruled by an overwhelming vote to sustain the call for the main question. The opposition as glaringly evinced by the majority to indulge a full and unrestricted discussion of the merits of the bill while under debate, constitutes a strong and imposing incentive to the minority, to exhibit upon the journals the many cogent and prominent reasons that induced them to oppose the passage of the bill. We protest against the grounds upon which the propriety of closing the Land Office, has been advocated, as being wholly untenable. The grounds as set forth were, that the commissioners who had been appointed under the sanction of an act of the last Legislature for the purpose of assessing the value of the lands granted to our State for purposes of internal improvement, had not in the performance of the duties assigned them, strictly complied with the requirements of the law. And that closing the office forthwith was rendered an indispensable expedient, preparatory to instituting an inquiry into the supposed irregular proceedings of the commissioners. And before we proceed to offer reasons in refutation of the grounds assumed by the advocates of the bill, we cannot refrain expressing our surprise at the novel and unprecedented proceeding of a legislative assembly adopting an act, which in its operation, necessarily fixes the odium of suspicion or guilt upon public officers without even the preference of a charge, or the exhibition of proof of official misconduct. We challenge the history of the political or judicial administration of our government for a similar precedent. And we hesitate not to say, that the judgements of the enlightened community of our State, will promptly denounce the proceeding, as an act of usurpation. A regard for the honor, integrity and intelligence of the commissioners, as well as a desire to arrest the establishment of so obnoxious a precedent, had its united influence in determining the minority to make a firm opposition to the bill. In refutation of the ground assumed, that the commissioners had violated the act under which they were appointed, the minority contends that there has been no exhibition of proof to sustain the allegation. It is true that his Excellency the Governor, in his message, has thought proper to state, that the commissioners have misapprehended the act under which they were appointed. And here the minority would respectfully inquire, does a mere discrepancy of opinion between the head of one of the departments of our government and a distinct class of officers acting under the authority, by a co-ordinate branch of the government, in the construction of a legislative act, requiring the performance of specific duties, constitute alone sufficient ground to nullify the proceedings of said officers. A reference to the fundamental principles of our government furnishes a satisfactory solution to this question. How far the commissioners have exceeded the instructions of the act under which they were appointed; we of the minority do respectfully conceive that the executive of the State has no constitutional authority to decide. And hence, any expression of opinion by his Excellency the Governor, in his message in re-

lation to the constructive powers of the act prescribing the duties of the commissioners, cannot constitute a legitimate ground of censure upon the conduct of said commissioners by a legislative act of the Government.

If this view of the subject be correct, any attempt on the part of Legislature to disturb or arrest the proceedings of the commissioners until the competent authority had decided upon the legality of their acts, cannot but be regarded as an arbitrary stretch of power. Moreover, with due deference to the opinion of his Excellency the Governor, we of the minority, do conceive that the commissioners so far as information has been obtained, has in no respect, exceeded the authority of the act under which they were appointed. We do not conceive the opinion is sustained by an obvious construction of the act prescribing their duties, that the commissioners were required to report the whole of the lands which they valued under the designation of classes. The first duty, as expressed in the 4th section of the act, which they were required to perform, was to go upon the lands and truly value each legal subdivision of said lands according to the fair and intrinsic value thereof, and at the same time to note the class to which the same belonged, it is clearly evident from the language of this part of the act, that the duties of valuing the land and noting the class to which the same belonged, were simultaneously performed, and that the intrinsic value of the land necessarily designated the class to which it belonged. If then, any portion of the land embraced in the examination, was not considered to be worth intrinsically, \$1 25 per acre, how could the commissioners in accordance with their oath, report said land as included in the designated classes. Besides, by reference to the act, 6th section, it will be seen that the commissioners were directed to select 400,000 acres of land of the greatest value, which necessarily implies, that every grade of value was comprehended in the lands examined. Hence the arbitrary rule of classification was not properly so much the criterion of determining the amount of selection, as the fair and intrinsic value of the soil. And in conformity to the spirit of the grant we have no doubt that the commissioners justly conceived that should the examination result in not reporting a sufficient quantity of classed land to complete the compliment of the donation, that the general government would extend the right to the State to supply the deficit out of other unappropriated lands.

It is furthermore contended, that a failure on the part of the commissioners in the performance of any part of their duty is equally fatal to all that has been done, and that consequently it becomes the imperative duty of the Legislature to order an immediate suspension of all the operations of the land office. And here we cannot but again express our surprise at the hazarding assumption of power that would be indicated by the adoption of any act, by the Legislature predicated upon the supposed illegality of an act of the commissioners. Upon this ground, we are aware that the advocates of the bill mainly rely to justify the procedure taken. We profess not to be prepared to discuss the abstruse question whether an irregularity in any part of the proceedings of the commissioners violates the whole, deeming it wholly immaterial, in as much as no such irregularity of conduct has been established by proof. But we do contend that under the act of the last Legislature, rights have already occurred to the occupant settler which this Legislature has no power to disturb or contravene. Nor in the opinion of the minority, can those rights granted by the act of the last session be constitutionally resumed, modified, suspended or changed without the assent of those interested. That rights have ves-

ted under the act of the last session, cannot, we think, be denied, though it has been urged that until the settler has by actual entry expressed his assent to the provisions of that act, his interest is not of such a nature as to be vested. We are at a loss to conceive how an entry in the books of the register can be considered as a stronger signification of assent, than the appearing before the commissioners under the act and claiming the right of pre-emption. The instant the claim was decided in favor of any occupant, we conceive his right to make an entry within one hundred and twenty days after the opening of the land office, became vested and the Legislature of this State possess no more power to abridge that right than if he had made an actual entry in the mode prescribed by the act. Was the principle to be settled for the first time, a minority might not, and this minority would not consider it a wanton violation of right. But when it has been repeatedly discussed, examined and decided on by the highest constitutional tribunal of our country, in what light must we consider it. It has likewise been seriously urged that a consideration should pass from the one claiming a right to those from whom that right is derived. Where we would ask, was such doctrine ever advanced before? and does not the experience of all legislation shew directly the reverse? What consideration has ever passed from any of the incorporations chartered by this State, to the State itself, or could a grant without the least consideration passing to the State, be revoked by it at pleasure? Will it be contended, even that any thing is necessary to be done by the grantee where a voluntary grant is made by the State to him? Any attempt therefore, on the part of the present Legislature, to obstruct the fair consummation of the pre-emption right of the settler, cannot but be regarded as a wanton violation of the good faith of the State. We deem it unnecessary to enlarge upon the various manner in which the interests of the settler would be injuriously affected by the sudden and wholly unexpected suspension of his right of entry. The violent prostration of confidence in the good faith of the State, the resentful feeling of disappointment that would pervade an extensive community are evils of sufficient magnitude to deter from so dangerous an experiment. It is only by a strict observance of good faith, upon which the affections and interests of its citizens are based, that the constituted authorities of a state can retain confidence at home or preserve its dignity of character abroad.

(Signed.) Samuel Craig, Thomas Coopwood, G. W. Lane, William Hodges, Francis Darrett, Albert C. Horton, David G. Ligon, De La F. Roysdon, John Pope, Daniel Coleman.

Mr Parsons, from the committee on the state of the republic, to which was referred a resolution to inquire of the propriety of requesting of the Congress of the United States, a grant of land to connect by canal, the waters of the Tennessee and Coosa rivers, reported a joint memorial, asking a donation of land to connect by canal, the waters of the Tennessee and Coosa rivers, which was read a first time and referred to the committee on the state of the republic.

Mr Acklen presented the account of the sheriff of Madison county, which was read and referred to the committee on accounts.

Mr Forrest obtained leave to introduce a bill to be entitled, an act prescribing the salary of the State Treasurer, which was read a first time and ordered to a second reading to-morrow.

Mr Hodges obtained leave to introduce a bill to be entitled an act to appropriate and set apart the interest accruing to the State each and every year, upon two hundred thousand dollars, fund of the University of Ala-

bama, for the education of the extreme poor of the State and for other purposes, which was read and ordered to a second reading to-morrow.

Mr Ward obtained leave to introduce a bill to be entitled, an act to change the compensation of jurors, in the counties of Henry and Dale, which was read a first time and ordered to a second reading to-morrow.

Mr Mardis obtained leave to introduce a bill to be entitled, an act to protect honesty and punish frauds, which was read a first time and laid on the table; ordered that one hundred copies be printed for the use of the House.

Mr Rather, from the select committee, to which was referred the petition of James Vest, reported a bill to be entitled, an act to authorize James Vest, to erect a dam across Flint river, in Morgan county, which was read and ordered to a second reading to-morrow.

On motion of Mr Fearn, *Resolved*, That the joint committee appointed to examine into the situation and management of the State Bank, be instructed to ascertain and report to this House with as little delay as practicable, what amount of bills of exchange has been discounted, and what amount of damages has been received upon bills of exchange, which have not been punctually paid, during each year since the establishment of the Bank.

Mr Craig obtained leave to introduce a bill to be entitled, an act to limit the powers of the Trustees of the University of the State of Alabama and for other purposes, which was read and ordered to a second reading to-morrow.

On motion of Mr Acken, *Resolved*, That the committee on the military be instructed to inquire into the expediency of exempting the tax collectors and county treasurers of this State, from performing ordinary military duty with leave to report by bill or otherwise.

Mr Coopwood obtained leave to introduce a bill to be entitled, an act the better to provide for the support of paupers, which was read a first time and ordered to a second reading to-morrow.

Mr Philpott obtained leave to introduce a bill to be entitled, an act to amend an act, to authorize the building of a jail in Morgan county, which was read and ordered to a second reading to-morrow.

On motion of Mr Conner, *Resolved*, That a select committee be appointed to revise and amend if necessary, the rules for the government of this House, whereupon Messrs Conner, Acklen, Parsons, Goldthwaite and Penn, were appointed said committee.

Mr Fearn moved to reconsider the vote taken on the adoption of the resolution, (this day) in relation to the bank and bills of exchange, which was carried. Mr Fearn then asked leave to withdraw said resolution, which was granted. Mr Fearn then offered the following resolution: *Resolved*, That the joint committee elected to examine into the situation and management of the State Bank, the Senate concurring therein, be required to ascertain and report to the two Houses of the General Assembly, with as little delay as practicable, what amount of Bills of exchange have been discounted and what amount of damage has been received upon bills of exchange which have not been punctually paid, during each year since the establishment of the bank, which was adopted.

Mr Morrisett obtained leave to introduce a bill, to be entitled, an act to alter a certain road therein named, and for other purposes, which was read and ordered to a second reading to-morrow.

Mr Morrisett obtained leave to introduce a joint resolution; praying a repeal in part of a law of Congress, granting 400,000 acres of land for the

purpose of internal improvement, which was read a first time. Mr Moore moved that the further consideration of the resolution be postponed till Monday next, which was carried.

Mr Penn obtained leave to introduce a joint resolution, requiring the offices of the Comptroller and Treasurer to be examined annually, which was read and ordered to a second reading to-morrow. The House then proceeded to the orders of the day. Bills of the following titles to wit: An act making an appropriation for the payment of the members and officers of the present General Assembly; an act for the relief of Andrew O. Horn, tax collector for Lawrence county; an act to prevent the evil practice of betting on elections, were severally read a second time and ordered to be engrossed for a third reading to-morrow.

The bill entitled an act to establish certain election precincts therein named, was read a second time and referred to the committee on privileges and elections.

The bill from the Senate, entitled, an act to alter the time of holding the courts in the 6th circuit, was read a second time. Mr Cook moved that the bill lie on the table, which was carried. The bill from the Senate entitled, an act to give the circuit courts of this State power to render judgements final against the security in writs of error bonds, was read a second time and ordered to a third reading to-morrow.

Bills of the following titles, to wit: an act to emancipate certain slaves therein named; an act to emancipate certain slaves therein named; an act to emancipate a certain slave therein named; an act to emancipate certain slaves therein named, were severally read a second time and referred to the committee on the state of the republic.

Engrossed bills of the following titles to wit: an act to authorize John A. Chapman, Simeon Chapman, Daniel Welsh and their associates to turnpike a certain road therein named; an act to increase the pay and the more effectually to provide for the payment of the jurors for the county of Montgomery and for other purposes, and, an act concerning the dismissal of suits at common law, were severally read a third time and passed. *Ordered*, that their titles be as aforesaid; ordered that the same be sent to the Senate for concurrence.

Bills of the following titles to wit: an act amendatory of an act prescribing the mode of executing original process, and an act to reduce the damages on bills of exchange, were severally read a second time and referred to the judiciary committee.

The bill entitled, an act to amend the laws now in force, concerning the establishment of ferries, was read a second time and referred to a select committee consisting of Messrs Mardis and Pope.

The bill entitled, an act appointing commissioners to mark out a road through that part of Pike county, now occupied by the Creek Indians, and for other purposes, was read a second time. Mr Goldthwaite moved, that the bill lie on the table, which was carried.

The bill entitled, an act to incorporate the Sims' female academy, in the town of Tuscaloosa, was read a second time and referred to a select committee consisting of Messrs Ellis, Perkins and Van Dyke.

Bills from the Senate, of the following titles, to wit: an act for the relief of Sally Turner, executrix of Charles H. Turner, deceased; an act to discontinue and establish certain election precincts therein specified; an act for the benefit of beat No. 6, in the county of Pickens; an act to reduce the fees of the clerk of the supreme court of this State; an act more effectually to prevent judges of the circuit and county courts from charging

juries on matters of fact, and the better to secure the right of trial by jury; an act to change the name of William Tankersly to that of William Farmer, were severally read a first time, and ordered to a second reading on to-morrow. And then the House adjourned till to-morrow 10 o'clock, A.M.

Tuesday, December 8, 1829.

The House met pursuant to adjournment.

Mr Craig presented the petition of Richard Darby, praying the passage of a law to emancipate a certain slave therein named, which was read and referred to the committee on propositions and grievances.

Mr Perkins presented the memorial of Dugald McFarlane, praying remuneration for losses sustained as State Printer, which was read and referred to the committee on the public printing.

Mr Lawler presented the petition of sundry inhabitants of Shelby county, praying the passage of a law to authorize William H. Greenwood to establish a ferry on the Coosa river, on section no. 7, township no. 20, range no. 3, east, which was read and referred to the committee on roads, bridges and ferries.

Mr Coleman presented the petition of Jesse Coe and Bartlet Cox, praying the passage of a law to authorize them to enter certain tracts of land therein mentioned, which was read and referred to the committee on lands appropriated for internal improvements.

Mr Clark presented sundry petitions of the inhabitants of Bibb county, praying an annexation of territory to the county of Bibb, so as to make it a constitutional county; which were severally read and referred to the committee on county boundaries.

Mr Ellis presented the petition of sundry inhabitants of Bibb county, praying the passage of a law authorizing the running of the line between the counties of Tuscaloosa and Bibb, which was read and referred to the committee on county boundaries.

Mr Ellis presented the petition of sundry inhabitants of Tuscaloosa county praying the passage of a law authorizing the running of the line between the counties of Tuscaloosa and Bibb, which was read and referred to the committee on county boundaries.

Mr Ligon moved to dispense with the rule requiring that petitions and reports from standing and select committees shall be first read; with a view to offer a resolution, which was lost. Yeas 32—Nays 38.

The yeas and nays being desired, those who voted in the affirmative are Messrs Baker, Banks, Bates, Bibb, Bradnax Coleman, Craig, Dale, Darrett, Fitts, Flournoy, Hays, Horton, Jackson, Lane, Ligon, Marais, Mead, Metcalfe, Mobley, Morrisett, Murphree, Oliver, Philpott, Pope, Rather, Robinson, Ross, Roydon, Ship, Smith, and Taylor—32.

Those who voted in the negative are Messrs Speaker, Acklen, Barclay, Bradford, Brown, Byrnes, Clark, Cole, Conner, Cook, Coopwood, Curtis, Dennis, Ellis, Fearn, Forrest, Goldthwaite, Green, Grigsby, Hester, Hodges, Hudson, Jones, King, Lawler, Massey, Mims, Moore, Parsons, Pena, Richardson, Roulston, Russell, Van Dyke, Ward, Weissinger, Williams, and Young—38.

Mr Bates presented a memorial of the mayor and aldermen of the city of Mobile, praying the passage of a law authorizing the corporation of Mobile to raise and organize engine, and hook and ladder fire companies, which was read and referred to a select committee, consisting of messrs Bates, Byrnes and Parsons.

Mr Perkins presented the petition of sundry inhabitants of Tuscaloosa county, praying the passage of a law to open a certain road therein mentioned, which was read and laid on the table.

Mr Bates presented the account of the sheriff of Mobile county, which was read and referred to the committee on accounts.

Mr Bibb, from the committee on inland navigation, to which was referred so much of the message of his Excellency Governor Murphy, as relates to the best mode of applying the funds arising from the sale of the lands granted to this State by Congress, for the improvement of the Tennessee and other rivers in this State, as likewise so much of Governor Moore's message, as relates to the same subject, reported a bill to be entitled an act to appoint canal commissioners for the improvement of the navigation of the Tennessee river. and for other purposes, which was read a first time, and laid on the table. *Ordered*, that one hundred copies be printed for the use of the members of this House.

Mr Ross presented the petition of sundry citizens of the township no. 13, Range no. 8, praying the passage of a law to authorize the sale of the 16th section in said township, which was read and referred to a select committee, consisting of messrs Ross, Robinson and Taylor.

Mr Parsons, from the judiciary committee, to which was referred a resolution directing them to inquire into the propriety of so amending the laws as to authorize the circuit courts to grant final judgement upon writs of error from the county court, reported, that a bill upon the same subject from the Senate, now before this House, has rendered any further report from said committee unnecessary; in which report the House concurred.

Mr Hudson, from the committee on accounts, to which was referred the accounts of Fielding L. White, late jailer of Madison county, reported, that said accounts are not made out and authenticated according to law, and that some of the items as charged in said accounts, are not, in the opinion of the committee, chargeable on the State, and that the accounts ought not to be allowed. and ask leave to be discharged from the further consideration thereof. Mr Moore moved that the report lie on the table, which was carried.

Mr Young, from the committee on accounts, to which was referred the account of Aaron Reddus, jailer of Limestone county, reported that the manner the said account is exhibited and authenticated, it ought not to be allowed, and ask leave to be discharged from the further consideration of the subject. Mr Coleman moved that the report lie on the table, which was carried.

Mr Young, from the committee on accounts, to which was referred the account of C. C. Thompson, sheriff, reported that said account ought not to be allowed; that it does not yet appear that the same is chargeable upon the State; that it is not authenticated, and ask to be discharged from the further consideration of the subject, which was granted.

Mr Mobley, from the committee on ways and means, to which was referred a resolution instructing them to inquire into the expediency of authorizing by law the monies arising from tavern license, to be paid into the county treasury, reported that it is is inexpedient to pass such a law, and ask to be discharged from the further consideration thereof, which was granted.

Mr Goldthwaite, from the committee of ways and means, to which was referred the petition of Adam Sheffield, sen. of St. Clair county, praying the establishment of a fair at his residence, for the disposal of stock and articles of domestic manufacture, reported that the prayer of the petitioner ought not to be granted, inasmuch as every citizen has the undisputed right to offer for sale any article of his own making or raising, and the petitioner can, without any legislation on the subject of his petition,

establish a fair for the purposes expressed therein, and the committee ask leave to be discharged from the further consideration thereof, which was granted.

Mr Mobley, from the committee of ways and means, to which was referred the petition of the judge and commissioners of the county court of Butler county, reported that the prayer of the petitioners ought not to be granted, and ask leave to be discharged from the further consideration thereof, which was granted.

Mr Mims, from the committee on ways and means, to which was referred a resolution instructing them to inquire into the expediency of so altering the law respecting the assessing and collecting the taxes of this State, so as to make it the duty of the justices of the peace to assess, and the sheriffs to collect, reported that it is inexpedient to legislate on that subject. Mr Barclay moved that the report lie on the table, which was lost. It was then concurred in by the House.

Mr Penn, from the committee on ways and means, to which was referred a resolution instructing them to inquire into the expediency of repealing the law imposing a white poll tax, reported that it is inexpedient to legislate on the subject at this time; in which report the House concurred. Yeas 36—Nays 35.

The yeas and nays being desired, those who voted in the affirmative are Messrs Speaker, Baker, Banks, Barclay, Bobb, Byrnes, Clark, Coleman, Conner, Coopwood, Craig, Curtis, Dale, Flitts, Green, Hays, Horton, King, Lane, Lawler, Ligon, Mims, Moore, Morrisett, Oliver, Parsons, Penn, Perkins, Philpott, Pope, Richardson, Robinson, Ross, Roysdon, Weissinger, and Young—36.

Those who voted in the negative are Messrs Acklen, Bates, Bradford, Brodnax, Brown, Cole, Cook, Dennis, Darret, Ellis, Fearn, Flournoy, Forrest, Goldthwaite, Grigsby, Hester, Hodges, Hudson, Jackson, Jones, Maddis, Maisey, Mead, Metcalfe, Mobley, Murphree, Rather, Roulston, Russel, Ship, Smith, Taylor, Van, Dyke, Ward, and Williams—35.

Mr Ross, from the committee on ways and means, to which was referred a resolution directing an inquiry as to the expediency of authorizing the judge of the county court, and commissioners of revenue and roads, to levy a tax on the amount of sales at auction, for county purposes, reported that it is inexpedient to pass such a law, and ask leave to be discharged from the further consideration of the subject, which was granted.

Mr Penn, from the committee on ways and means, to which was referred a resolution instructing them to inquire into the expediency of passing a law more effectually to prevent extortion, reported that they deem the laws now in force amply sufficient, if properly executed, and therefore, consider it unnecessary to legislate further on the subject; in which report the House concurred.

Mr Ellis, obtained leave to introduce a bill to be entitled an act amendatory of the laws on the subject of bills of exchange, and other negotiable paper; which was read and ordered to a second reading to-morrow.

On motion of Mr Conner: *Resolved*, That the judiciary committee be instructed to examine, revise and amend, if necessary, the several statutes of this State, relative to the fees allowed to the various and different officers of the State and counties, with the view of consolidating the same into one general law, and that they report by bill or otherwise.

Mr Clark obtained leave to introduce a bill to be entitled an act to prevent the clerks of the circuit and county courts of the county of Tuscaloosa, from taxing a tax on executions issued in favor of the Bank of the State of Alabama, which was read and ordered to a second reading to-morrow.

Mr Baker offered the following resolution: *Resolved*, That this House will, with the consent of the Senate, in the Representative Hall, at two o'clock this day, proceed to the election of a Comptroller for this State. Mr Coopwood moved to amend it by striking out the words "two o'clock this day," with a view to insert Saturday next, at 12 o'clock; a division of the question being called for, the vote was first taken on striking out, and carried. Mr Moore moved to fill the blank with the words, "Friday 12 o'clock," which was lost. Mr Coopwood moved to lay it on the table, which was lost. Mr Fitts moved to fill the blank with the words "Thursday next, at 2 o'clock," which was lost. Mr Bates moved to fill the blank with the words "to-morrow at two o'clock," which was carried. Mr Hudson moved to amend the resolution by adding the words "and Treasurer," which was carried. Mr Acklen moved that it lie on the table, which was lost. Mr Baker, who voted in the majority on the adoption of Mr Hudson's amendment, moved to re-consider the vote, which was lost. The question again was on Mr Acklen's motion, and lost. Mr Coopwood moved to postpone the further consideration of the resolution till 10 o'clock to-morrow, which was lost. Yeas 31—Nays 38.

The yeas and nays being desired, those who voted in the affirmative are Messrs Speaker Acklen Barclay Bradford Brown Byrnes Clarke Cole Conner Coopwood Curtis Dennis Ellis Goldthwaite Green Hays Hodges Jones King Lawler Mims Moore Penn Richardson Russell Smith Van Dyke Ward Weissinger Williams and Young—31.

Those who voted in the negative are messrs Baker Banks, Bates Bibb Brodnax Coleman Cook Craig Dale Durrett Fearn Fitts Flournoy Hester Horton Hudson Jackson Lane Ligon Mardis Massey Mead Metcalf Mobley Morrisett Murphree Oliver Parsons Perkins Philpott Pope Rather Robinson Ross Roulston Roydon Ship and Taylor—38

The resolution as amended was then adopted.

A message was received from the Senate by Mr Lyon. Mr Speaker: The Senate have passed a bill and joint resolution which originated in their House, entitled an act to authorize notaries public of the several counties in this State to take acknowledgement or proofs of deeds and relinquishments of dower; and joint resolution instructing our members in Congress, to oppose all measures to renew the charter of the Bank of the United States; in which they desire your concurrence. They concur in the resolution of your honorable body, proposing, with their consent, to go into the election of a Comptroller of public accounts and Treasurer of this State on to-morrow at 2 o'clock.

The bill entitled an act to make it the duty of the State Treasurer to discharge the duties of president of the State Bank, was read a second time. Mr Coopwood moved to amend the bill by adding thereto an additional section, no. 2, which was carried. Mr Goldthwaite moved that the rule requiring bills to be read on three several days be dispensed with, and that the bill be considered as engrossed and read a third time forthwith, which was carried. The bill was then read a third time forthwith. Mr Penn moved to fill the blank in the second section with the words "five hundred." Mr Fearn moved to postpone the further consideration of the bill till Monday next, which was lost. Yeas 23—Nays 48.

The yeas and nays being desired, those who voted in the affirmative are messrs Baker Banks Barclay Bates Bibb Brodnax Clark Cook Craig Dale Durrett Fearn Fitts Flournoy Hays Mead Mobley Oliver Robinson Ross Russell Smith Taylor—23

Those who voted in the negative are messrs Speaker Acklen Bradford Brown Byrnes Cole Coleman Conner Coopwood Curtis Dennis Ellis Forrest Goldth-

white Green Grig-by Hester Hodges Horton Hudson Jackson Jones King Lane Ligon mardis massey metcalfe mims moore morrissett murphree Parsons Penn Philpott Pope Rather Richardson Roulston Roysdon Ship Van Dyke Ward Weissinger Williams and Young—46

The question again was on Mr Penn's motion and lost. Mr Coopwood moved to fill the blank with the words "three hundred," which was lost. Yeas 20—Nays 50.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker Acklen Coleman Conner Coopwood Curtis Flournoy Green Hodges Ligon mardis massey moore murphree Parsons Pope Roysdon Weissinger Williams and Young—20.

Those who voted in the negative are messrs Baker Banks Barclay Bates Bibb Bradford Brodnax Brown Byrnes Clark Cole Cook Craig Dale Dennis Darriett Ellis Fearn Fitts Forrest Goldthwaite Grigsby Hays Hester Horton Hudson Jackson Jones King Lane Lawler mead metcalfe mims mobley morrissett Oliver Penn Philpott Rather Richardson Robinson Ross Roulston Russell Ship Smith Taylor Van Dyke and Ward—50

Mr Goldthwaite moved to fill up the blank with the words "two hundred and fifty," which was lost. Mr Hudson moved to fill up the blank with the words "two hundred," which was carried. And the question being put "shall this bill pass?" it was determined in the affirmative. Yeas 43—Nays 28.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker Acklen Bradford Brodnax Brown Byrnes Coleman Conner Coopwood Curtis Dennis Ellis Forrest Goldthwaite Green Hays Hester Hodges Horton Jackson King Lane Lawler Ligon mardis massey metcalfe mims moore morrissett murphree Oliver Parsons Philpott Pope Rather Richardson Roulston Roysdon Ship Van Dyke Ward and Williams—43

Those who voted in the negative are messrs Baker Banks Barclay Bates Bibb Clark Cole Cook Craig Dale Darriett Fearn Fitts Flournoy, Grigsby Hudson Jones mead mobley Penn Perkins Robinson Ross Russell Smith Taylor Weissinger and Young—28.

Mr Bibb called up the bill entitled an act to extend the jurisdiction of the State of Alabama over the Indian territory, lying within the limits of said State, and for other purposes. And then the House adjourned till to-morrow 10 o'clock, A. M.

Wednesday, December 9, 1829.

The House met pursuant to adjournment.

Mr Craig presented the account of the sheriff of Lauderdale county, which was read and referred to the committee on accounts.

Mr Goldthwaite presented the petition of sundry inhabitants of Montgomery county, praying that a new county be formed out of a certain tract of country therein named, which was read and referred to the committee on county boundaries.

A message from the senate by Mr Lyon. Mr Speaker: The Senate have passed a bill which originated in the House of Representatives, entitled an act making appropriation for the payment of certain claims against the State of Alabama, and have amended the same by striking from the 3d section "five hundred," and inserting "three hundred and fifty," in which they ask your concurrence.

Mr Acklen presented the account of the jailer of Madison county, which was read and referred to the committee on accounts.

Mr Bates presented the memorial of James G. Lyon, praying compensation for extra services as clerk of the circuit court of Mobile county, which was read and referred to the committee on propositions and grievances.

Mr Young from the committee on accounts to which was referred the account of William Y. Higgins, jailer, &c. reported that said account is not authenticated and presented as the law requires; that some items in said account are not in any event chargeable on the State, and ought not to be allowed, and ask to be discharged from the further consideration of the subject. Mr Goldthwaite moved that the report lie on the table, which was carried.

Mr Hudson, from the committee on accounts, to which was referred the account of Michael Shaffer, jailer of Blount county, reported that the said account is not made out according to law, and that in the opinion of the committee, the most of the items as charged in said account, are not legally chargeable on the State treasury, and that said account ought not to be allowed; and ask leave to be discharged from the further consideration thereof, which was granted.

Mr Speaker laid before the House a communication from the State Architect, relating to the completion of the State Capitol, which was read and laid on the table.

Mr Goldthwaite, from the committee on the State of the republic, to which was referred a joint memorial, asking a donation of land to connect by canal the waters of the Tennessee and Coosa rivers, reported the same with the following amendment: add the words "it is believed," after the word "dollars," in the third line of the second page, in which amendments the House concurred. Mr Morrisett moved that the further consideration of the memorial be postponed till Monday next, which was lost. Yeas 9—Nays 61.

The yeas and nays being desired, those who voted in the affirmative are Messrs Baker, Bates, Conner, Fitts, Flournoy, Mobley, Morrisett, Oliver, and Vandyke.

Those who voted in the negative are Messrs Speaker, Acklen, Banks, Barclay, Bibb, Bradford, Brodnax, Brown, Byrnes, Clark, Cole, Coleman, Cook, Craig, Curtis, Dale, Dennis, Durrett, Ellis, Fearn, Forrest, Goldthwaite, Green, Grigsby, Hays, Hester, Hodges, Horton, Hudson, Jackson, Jones, King, Lane, Lawler, Ligon, Mardis, Massey, Mead, Metcalfe, Mims, Moore, Murphree, Parsons, Penn, Perkins, Philpott, Pope, Rather, Richardson, Robinson, Ross, Roulston, Roysdon, Russell, Ship, Smith, Taylor, Ward, Weissinger, Williams, and Young—61.

And the question being put "shall this memorial be adopted?" it was determined in the affirmative. Yeas 67—Nays 2.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker Acklen Banks Barclay Bates Bibb Bradford Brodnax Brown Byrnes Clark Cole Coleman Conner Cook Coopwood Craig Curtis Dale Dennis Durrett Ellis Fearn Fitts Flournoy Forrest Goldthwaite Green Grigsby Hays Hester Horton Hudson Jackson Jones King Lane Lawler Ligon Mardis Massey Mead Metcalfe Mims Mobley Morrisett Moore Murphree Parsons Penn Philpott Pope Rather Richardson Robinson Ross Roulston Roysdon Russell Ship Smith Taylor Van Dyke Ward Weissinger Williams and Young—67.

Those who voted in the negative are messrs Baker and Oliver—2.

Ordered, that the clerk acquaint the Senate therewith.

A message from the Senate, by Mr Lyon. Mr Speaker:—I am instructed to inform the House of Representatives that the Senate have read three several times and passed a bill originating with the Senate, to be entitled an act for the relief of James A. Thompson, tax collector of Dallas County, in which the concurrence of the House is requested.

Mr Clark offered the following preamble and resolution: Whereas, on yesterday a bill passed this House, having for its object the consolidation of the office of President of the Bank of the State of Alabama, with that of State Treasurer, which bill has been sent to the Senate, and the deter-

mination of that branch of the legislature for or against said measure, is is unknown to this House; and whereas there is a bill amongst the orders of the day of this House, to reduce the salary of the State Treasurer, to the sum of five hundred dollars per annum, which bill has not finally been acted upon in this body, nor the sense of the Senate known thereon: And whereas also, the public good does not require that the election of a State Treasurer and Comptroller of public accounts be gone into this day, as the constitutional terms of said officers are not yet expired: Therefore, *Be it resolved*, with the concurrence of the Senate, that the election of State Treasurer and Comptroller of public accounts, proposed and determined to be gone into this day, at the hour of 2 o'clock P. M. be postponed until Saturday next, at the hour of 3 o'clock, P. M. Mr Speaker decided that the resolution offered by Mr Clark was out of order, from which decision Mr Clark appealed.

The yeas and nays being desired, those who voted sustaining the decision of the Speaker are as follows: messrs Acklen Baker Banks Barclay Bates Bibb Bradford Brodnax Brown Byrnes Cole Coleman Conner Craig Curtis Dale Dennis Durrett Fearn Fitts Forrest Goldthwaite Green Grigsby Hays Hester Hodges Horton Hudson Jackson Jones King Lane Lawler Ligon Mardis Massey Mead Metcalf Mims Mobley Moore Morrisett Murphree Oliver Parsons Penn Philpott Pope Rather Richardson Robinson Ross Roulston Roysdon Russell Ship Smith Taylor Van Dyke Weissinger Williams and Young.

Those who voted against the decision of the Chair are messrs Clark Coopwood and Flournoy.

A message from the Senate by Mr Lyon. Mr Speaker: The Senate have postponed till the third day of July next, the bill which originated in the House of Representatives, entitled an act to make it the duty of the State Treasurer to discharge the duties of President of the State Bank.

The bill entitled an act prescribing the salary of State Treasurer, was read a second time; Mr Coopwood moved that the rule requiring bills to be read on three several days, be dispensed with, and that it be considered as engrossed, and read a third time forthwith, which was lost. It was then ordered to be engrossed for a third reading on to-morrow.

A joint memorial to the Congress of the United States, praying a postponement of the sales of the public lands, in the county of Jackson, was adopted. *Ordered*, that the clerk acquaint the Senate therewith.

On a call of the House, there were absent messrs Grigsby, Lane, Mims, Perkins, Pope, and Van Dyke.

Mr Forrest moved that this House adjourn till to-morrow at 10 o'clock, A. M. which was lost. Yeas 18—Nays 49.

The Yeas and nays being desired, those who voted in the affirmative are messrs Speaker Barclay Bradford Brown Byrnes Clark Conner Coopwood Curtis Dennis Ellis Forrest Hodges King Richardson Russell Smith and Williams—18.

Those who voted in the negative are messrs Acklen Baker Banks Bates Bibb Brodnax Cole Coleman Cook Craig Dale Durrett Fearn Fitts Flournoy Goldthwaite Green Grigsby Hays Hester Horton Hudson Jackson Jones Lane Lawler Ligon Mardis Massey Mead Metcalf Mobley Moore Morrisett Murphree Oliver Parsons Penn Philpott Pope Rather Robinson Ross Roulston Roysdon Ship Taylor Ward Weissinger and Young—50.

Mr Fearn offered the following resolution: *Resolved*. That the committee on the State Capitol be instructed to inquire into the propriety of purchasing for the use of the State, the two lots which lie north of, and nearest to the State Capitol; and in the event they should consider the purchase of said lots necessary, they shall be required to confer with the owners thereof, and ascertain the prices at which they can be purchased,

with leave to report by bill or otherwise. Mr Rather moved that the further consideration of the resolution be postponed till the first day of June next, which was carried.

Bills of the following titles to wit: an act to alter the time of holding the fall term of Pike county court; an act to authorize sheriffs to take recognizances in certain cases, were severally read a second time, and ordered to be engrossed for a third reading to-morrow.

The bill entitled an act to authorize the orphan's court to sell the perishable property of infant legatees, &c. was read a second time, and referred to the judiciary committee.

On motion of Mr Penn: *Resolved*, that the Senate be informed that this house is now ready to proceed to the election of a Treasurer and Comptroller, and that they be invited to attend.

Mr Clark moved that the House adjourn till to-morrow at 10 o'clock, A. M. which was lost. Yeas 23—Nays 47.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker Acklen Barclay Bradford Brown Byrnes Clark Conner Coopwood Curtis Dennis Ellis Forrest Goldthwaite Grigsby Hodges Jones King Mims Richardson, Russell Van Dyke and Weissinger—23.

Those who voted in the negative are messrs Baker Banks Bates Bibb Brodnax Cole Coleman Cook Craig Dale Durrett Fearn Fitts Flournoy Green Hays Hester Horton Hudson Jackson Lane Lawler Ligon Mardis Massey Mead Metcalfe Mobley Moore Morrisett Murphree Oliver Parsons Penn Philpott Pope Rather Robinson Ross Roulston Roysdon Ship Smith Taylor Ward Williams and Young—47.

The bill entitled an act to permit David Johnson to emancipate a certain slave therein named, was read a second time, and referred to the committee on the state of the republic.

The Senate having repaired to the hall of the House of Representatives, and taken their seats, the two Houses proceeded to the election of a comptroller of public accounts, George W. Crabb, and Samuel Pickens being in nomination:

Those who voted for Mr Crabb are, Mr President, Abercrombie, Anderson, Conner, Edmondson, Garth, Hubbard, Jackson, Morton, Perry and Wood. Reps, Messrs Baker, Banks, Bates, Bibb, Brodnax, Coleman, Cook, Craig, Durrett, Fearn, Fitts, Flournoy, Forrest, Hays, Hester, Horton, Jackson, Lane, Ligon, Mardis, Massey, Mead, Metcalfe, Mobley, Morrisett, Murphree, Oliver, Penn, Perkins, Philpott, Pope, Rather, Robinson, Ross, Roysdon, Ship, Smith and Taylor.

Those who voted for Mr Pickens are, Messrs Crawford, Evans, Hogan, Irwin, Moore, Pickett, Smith, Vining, Walthall and Watkins. Reps. Mr Speaker, Acklen, Barclay, Bradford, Brown, Byrnes, Clark, Cole, Conner, Curtis, Dale, Dennis, Ellis, Goldthwaite, Greene, Grigsby, Hodges, Hudson, Jones, King, Lawler, Mims, Moore, Parsons, Richardson, Roulston, Russell, Van Dyke, Ward, Weissinger, Williams and Young.

George W. Crabb, having received a majority of votes, was declared by Mr Speaker to be duly elected Comptroller of public accounts.

The two Houses then proceeded to the election of a State Treasurer, William G. Parish and Hardin Perkins, Esquires, being in nomination. For Mr Parish 36—Mr Perkins 55 votes.

Those who voted for Mr Parish are messrs Conner, Crawford, Evans, Hogan, Hubbard, Irwin, Moore, Perry, Pickett, Smith, Vining. Reps. Mr Speaker, Barclay, Byrnes, Clark, Conner, Coopwood, Dennis, Ellis, Goldthwaite, Grigsby, Hodges, Hudson, King, Lane, Lawler, Massey, Moore, Rather, Richardson, Roulston, Russell, Smith, Van Dyke, Ward, and Williams.

Those who voted for Mr Perkins are Mr President, Abercrombie, Anderson, Edmondson, Garth, Jackson, Morton, Walthall, Watkins, Wood. Reps. Messrs

Acklen, Baker, Banks, Bates, Bibb, Bradford, Brodnax, Brown, Cole, Coleman, Cook, Craig, Curtis, Dale, Dirrett, Fearn, Fitts, Flornoy, Forrest, Greene, Hays, Hester, Horton, Jackson, Jones, Ligon, Mardis, Mead, Matcalle, Mims, Mobley, Morrisett, Murphree, Oliver, Parsons, Penn, Philpott, Pope, Robinson, Ross, Roysdon, Ship, Taylor, Weissinger and Young.

Mr Perkins having received a majority of votes, mr Speaker, therefore, declared him duly elected State Treasurer for the ensuing twelve months.

The Senate withdrew; and then the House adjourned to 10 o'clock tomorrow.

Thursday, Dec. 10, 1827.—The House met pursuant to adjournment.

Mr Flornoy presented the petition of sundry inhabitants of Pickens County, praying the passage of a law to open a certain road therein named which was read and laid on the table.

Mr Mobley presented the petition of sundry inhabitants of Clarke county, praying the passage of a law to appoint commissioners to view and mark out a road, running from the present state road, commencing from a point at or near Greensborough, the nearest and best route by Linden, crossing the Tombeckbe river at Coffeerville, thence the most direct route practicable for carriages in high stages of the water, to Mobile; which was read, and referred to the committee on roads bridges and ferries.

Mr Mead presented the petition of sundry inhabitants of Walker county, praying to be attached to Blount county, which was read and referred to the committee on county boundaries.

Mr Speaker laid before the House the petition of sundry inhabitants of Marengo county, praying an alteration in the boundary lines between said county and the county of Greene, which was read and referred to the committee on county boundaries.

Mr Conner presented sundry petitions on the subject of county boundaries, which were severally read and referred to the committee on county boundaries.

Mr Conner presented the petition of sundry inhabitants of Marengo county, praying that all that part of Wilcox county, west of the Alabama river, be attached to Marengo county, which was read and referred to the committee on county boundaries.

Mr Morrisett presented the petition of sundry citizens of Monroe county, praying that an election precinct be established at Bell's landing, in said county, which was read and referred to the committee on privileges and elections.

Mr Clark made the following report: The committee on county boundaries, to which was referred sundry resolutions instructing them to inquire into the expediency of altering and arranging the boundaries of the different counties of this State, so as to make the Warrior and Alabama rivers the natural boundaries of counties, respectfully *Report*, That the subject referred to their consideration is one of various complexity, and calculated in its nature to produce much excitement of feeling among the citizens of the different counties proposed to be affected. For not only the interests and *rights* of a great number of our citizens are involved in it, but also the relation in which those citizens have for a long time stood towards each other; their county associations, contracts, funds, expenditures, privileges, and responsibilities, are proposed to be more or less affected.

A subject of so delicate a nature, well deserves the most serious consideration of the legislature, and has engaged the fullest attention and deliberation of your committee. After a patient investigation they are

confident of the impracticability of satisfying the complaints of all the citizens, and of remedying all the inconveniences to which they are liable. The geographic character of the State, intersected by many rivers, running in almost every direction, renders it utterly impossible. And if there were no natural impediments, it would still be obvious, that no arrangement could be made in the formation of counties, which would be satisfactory to all those living near the extremities and boundary lines. For reason and experience teach, that although they may seem to acquiesce in their situation, they will be at all times ready to solicit and sanction any alteration by which it will be improved.

The inconvenience of crossing rivers to reach a seat of justice, is one of serious magnitude; but one, which, in the opinion of your committee, ought not to induce such a course of legislation, in the attempt to remove it, as will also seriously injure other counties, by subjecting their citizens to inconveniences of nearly equal magnitude. For it is to be considered, that those sections of the State whose inhabitants are compelled to cross rivers to get to their seats of justice, and who complain most loudly of the grievances under which they labor, are occupied by the wealthier part of the community, owning lands more highly fertilized by the very circumstance of these rivers flowing through them, and enjoying many commercial advantages, by a ready navigation, not possessed by the people of those counties whose situation they propose to disturb. They require them to disorganize themselves, to abandon their court houses and other public edifices they have constructed, to change their present roads and make new ones, to surrender the best and most populous parts of their counties, and with the residue to connect themselves with new communities and establish new counties, which in many cases will embrace a spare and scattered population, totally unable to erect commodious buildings for public purposes.

Your committee would further remark, that this inconvenience of crossing rivers, is, in many instances an objection of minor importance to the citizens; particularly in those sections of the country, where the citizens reside in the immediate forks and the large bends of rivers and are nevertheless nearer to a seat of justice on the opposite side, than they could possibly expect to be on their own, in any probable division of their counties; for there are many cases in which it would be more convenient for them to cross rivers near them, than to be compelled to cross two or three large and almost impassable creeks, perhaps as difficult in their passage as any of our rivers.

Your committee, although they do not believe that the advantages to be realized by the adoption of such a measure, are sufficient to counterbalance the injury that will be done to the State in general, nevertheless find much difficulty in giving a detailed report, exhibiting the different advantages and injuries that will be received by the different sections of the State, if such a course should be pursued; they will, therefore, only endeavor to give a general synopsis of the effects, that in their opinion, will be produced in some of the counties.

The county which would be created by the annexation of that part of Greene, east of the Warrior, to the western part of the county of Perry, would embrace a singularly rich section of country; but it is believed, that neither a majority of the citizens in the part of Green or Perry which would thus be united, would be as well satisfied as they now are; nor would their situation as individuals be improved. It must, however, be admitted, that, as a community, they would own a county exceedingly

rich in comparrison with those around them. By a division of Greene, the fork part of that county, would be relieved from the inconvenience of crossing the Warrior, but in almost every direction from the centre of the new county which would there be formed with the southern part of Pickens, the citizens would have to cross many large creeks and swamps. This new county too, would also embrace a rich section of country, and would admit of a dense population. But the new county which would be formed of the northern part of Pickens, with a part of Fayette and Tuscaloosa would be extremely poor.

The county of Fayette would be seriously injured. It has not a great deal of good land, and would be compelled to yield one of its richest and most populous neighborhoods to Pickens, yet by no means compensating Pickens for the more extensive, rich and populous part of her county given to Greene. A still greater injury would be done to Fayette, by removing its seat of justice from a little neighborhood of rich land, which fortunately by nature has been fixed near the centre of that county, and placing it at a site in a barren wilderness, among barren and broken hills, at a point almost inaccessible and impervious. That county has a handsome and flourishing village at her present seat of justice, which would be ruined by a removal of her court house; and she has appropriated a large sum of money, when her population and wealth is considered, in the building of a good and substantial jail, and a brick court house, which would be entirely lost to her.

The county of Walker could not be benefitted, but would be seriously injured, as she would yield so much of her territory to Fayette, which although thinly inhabited, would be a loss to her of such serious consequence, that it is doubtful whether she would have a population sufficient in a great number of years to entitle her to a representative in the legislature.

The people of the eastern part of Perry would still labor under the inconvenience of crossing the Cahawba river, to get to the seat of justice in the county to which they would be attached. And the citizens of this new county, besides being made subject to the inconvenience and labor of cutting new roads, would be put to the expense of erecting new public buildings. The citizens of Perry have expended between twelve and twenty thousand dollars in constructing public buildings and other improvements at their present seat of justice, in a quarter section of land, purchased of the general government, at one dollar and twenty-five cents per acre, under a pre-emption right granted to them by congress, on the express condition, that the seat of justice of that county should continue on that quarter section; the proposed division would subject those citizens to a forfeiture of nearly the whole amount of the sum they have expended in the improvement of their seat of justice, and of the increased value of that quarter section by means of such improvements. If they should be forced to incur a forfeiture, they would have a reasonable and just claim upon this State for remuneration and indemnity.

The county of Greene too, has expended a large sum of money in erecting suitable public buildings at Erie, by the reasonable expectation which its citizens heretofore entertained, that their seat of justice would continue at that place.

The citizens of the eastern part of Dallas would be relieved from crossing the Alabama river to get to their seat of justice; but those citizens who live in a convenient distance of Cahawba, their present seat of justice, whether on the western or eastern side of the Alabama, it is believed would not be benefitted or satisfied with the proposed arrangement.

Your committee forbear to particularize and enumerate the advantages and disadvantages that would arise to other counties by the division proposed, believing that they have already said enough to shew that it would be attended with the political destruction of the present counties of Perry, Pickens and Fayette—and that more mischief and injury than good must inevitably result from the adoption of the propositions. And also, that the people of Greene and Dallas, among whom these propositions have been most favored, are by no means unanimous in their support. Your committee, therefore, propose the adoption of the following resolution:

Resolved, That it is inexpedient to make the Alabama and Warrior rivers the basis for the re-organisation and formation of counties, by natural boundaries.

Mr Speaker moved that the report lie on the table which was cried.

Mr Forrest from the committee on roads bridges and ferries, to which was referred the petition of sundry citizens of Shelby county, and also the petition of sundry inhabitants of Shelby and St. Clair counties, reported that in the opinion of the committee the county court of Shelby county is the proper tribunal to which the parties should apply for redress of their grievances, and that any legislative interference on the subject would be impolitic and improper, and ask leave to be discharged from the further consideration of the subject. Mr Lawler moved, that the report lie on the table, which was carried.

Mr Bates from the select committee, to which was referred the petition of the mayor and aldermen of the city of Mobile, reported a bill to be entitled, an act to authorize the corporation of the city of Mobile to raise and organize engine and hook and ladder fire companies in the said city and for other purposes; which was read and ordered to a second reading to-morrow.

A message from the Senate by Mr Lyon; Mr Speaker, the Senate have passed a bill which originated in their house, entitled, an act explanatory of the laws on the subject of solicitor's fees in suits in chancery, in which they desire your concurrence: They have also passed a bill, which originated in the House of Representatives, entitled, an act to repeal in part and amend an act, entitled an act to establish and improve a certain road therein mention, approved, January 13th, 1829.

Mr Richardson obtained leave to introduce a bill to be entitled, an act to change and designate the boundaries of certain counties therein named, which was read and ordered to a second reading to-morrow.

Mr Coopwood offered the following preamble and resolution: Whereas it has been represented to this General Assembly by the late Governor of this State, in his last message, that the high standing of the State, for integrity and correctness of conduct in her public acts, has been impaired by the proceedings of the last General Assembly of this State, and the conduct of the commissioners to select and value the 400,000 acres of land, granted to this State for the purposes of internal improvement: And whereas, it is the duty of the General Assembly, to protect the character and reputation of the State, and to expose to public inspection and scrutiny, all acts of the State, in relation to said land, and as far as possible, to bring to public view the causes which have produced or could produce any impression abroad, prejudicial to the character of the State or its councils: And whereas, it may be probable that the remarks of editors upon the subject above mentioned, may have given rise to the very great excitement and distrust that is abroad in relation to the conduct of the General Assembly, or any member thereof, or the commissioners above mentioned, in the disposal of said lands: And whereas, Thomas J. Sumner, senior editor

of the "Democrat," a paper printed in Huntsville, has stated in his paper of the 30th of October last, that it was a tissue of iniquity from its inception in the Legislature, to its completion by the commissioners; and that it was a second edition of the Yazoo purchase corrected and amended by the State of Alabama: And whereas it is reasonable to presume, and would make that impression abroad, that the said Thomas J. Sumner, editor as aforesaid, has in his possession satisfactory testimony of the truth of his assertions, which testimony if brought fully and fairly before the public, would at once confirm the unfavorable impression against the State, or relieve her and her councils from the odium which now seems to rest upon them: *Be it therefore resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the joint committee elected to examine into the conduct and proceedings of the commissioners appointed to select and value the 400,000 acres of land granted to this State for internal improvement, be instructed to cause to come before them without delay, Thomas J. Sumner, editor of the Democrat, a paper published in the town of Huntsville, and command him to bring with him all testimony or evidence of which he is possessed in relation to any of the subjects above recited, which may have any tendency to convict the State of fraud, and of correcting and amending the odious Yazoo speculation, and all proofs in relation to any misconduct on the part of the State of Alabama or any of her agents or officers in the passage of the law for the disposal of the lands above mentioned or subsequent to its passage. Mr Penn moved that the further consideration of the preamble and resolution be postponed until the first day of June next, which was carried. Yeas 55—Nays 16.

The yeas and nays being desired, those who voted in the affirmative are Messrs Speaker, Acklen, Baker, Banks, Barclay, Bates, Bibb, Bradford, Brodax, Brown, Byrnes Clark, Cole, Comer, Cook, Curtis, Dale, Dennis, Ellis, Fearn, Pitts, Flournoy, Forrest, Goldthwaite, Green, Grigsby, Hays, Hester, Jackson, Jones, King, Lawler, Medis, Mayssey, Mims, Mobley, Moore, Morphree, Oliver, Parsons, Penn, Perkins, Philpott, Pope, Ruter, Robinson, Ross, Roulston, Roysdon, Russell, Taylor, Ward, Weissinger, Williams and Young—55.

Those who voted in the negative are Messrs Coleman, Coopwood, Craig, Darrat, Hodges, Horton, Hulson, Lane, Ligon, Mead, Metcalfe, Richardson, Ship, Smith and Van Dyke—16

A message was received from the Governor by James I. Thornton.

EXECUTIVE DEPARTMENT, Dec. 9, 1829.

Gentlemen of the Senate and of the House of Representatives—The law authorizing the Executive to issue writs of election to fill vacancies which may occur in your honorable body, by death, resignation, or otherwise during the session of the General Assembly, being susceptible of doubt as to the time of notice required to be given under such circumstances, I respectfully recommend to your honorable body the propriety of an enactment providing for emergencies of this character. I need not disguise the fact that the late election of a member of your honorable body to fill the office of Treasurer of the State, whereby the county of Tuscaloosa is rendered liable to be deprived of the services of one of its Representatives for some time in the present session at least, provided one month's notice of the time of holding an election to fill the vacancy, as is required by law in relation to the general elections, shall be deemed necessary in this case, is the immediate cause of this special communication. I have the honor to be, most respectfully, your obedient servant.

GABRIEL MOORE.

Ordered, That the communication lie on the table.

Mr Ellis obtained leave to introduce a bill to be entitled, an act amendatory of the laws of this State, on the subject of elections of members of the General Assembly, which was read a first time. Mr Ellis moved that the rule requiring bills to be read on three several days be dispensed and that the bill be read a second time forthwith, which was carried; it was then read a second time forthwith. Mr Ellis moved that the rule be further dispensed with, that it be considered as engrossed, and read a third time forthwith, which was carried; it was then read a third time forthwith and passed: *Ordered*, that the title be as aforesaid, ordered that the same be sent to the Senate for concurrence. And then the House adjourned to 10 o'clock to-morrow, A. M.

Friday, December 11th, 1829.

The House met pursuant to adjournment.

Mr Bradford presented the petition of sundry inhabitants of St Clair county, praying to establish the lines between the counties of St Clair and Jefferson, which was read and referred to the committee on county boundaries.

Mr Brown presented the petition of sundry inhabitants of Jefferson county, praying that the boundaries of said county remain as they are now established, which was read and referred to the committee on county boundaries.

Mr Russel presented the petition of sundry inhabitants of Jackson county, praying the passage of a law to turnpike a certain road therein named, which was read and referred to a select committee, consisting of Messrs Russel, Forest and Massey.

Mr Mims presented the account of the sheriff of Baldwin county, which was read and referred to the committee on accounts.

Mr Pope made the following report: The select committee to which was referred, the bill entitled an act to amend the laws now in force, concerning the establishing of ferries, have according to order, had the same under consideration, and have amended the bill by adding the proviso herewith submitted, to come in at the end of the 1st section; they have also amended the bill further, by adding thereto an additional in all of which, the committee respectfully ask the concurrence of this House: *Ordered*, that the House concur in the amendment to the bill by adding the proviso. Mr Durret moved to amend the amendment, by adding thereto the following proviso: *Provided*, that this act shall not be so construed as to have any bearing as to the final title of the soil, which was lost. *Ordered*, that the House disagree to the amendment, by adding thereto an additional section. Mr Weissinger moved to amend the bill by adding an additional section. Mr Lawler moved to refer the bill to the committee on roads, bridges and ferries, which was carried.

A message from the Senate by Mr Lyon; Mr Speaker, the Senate have passed a bill which originated in the House of Representatives, entitled, an act amendatory of the laws of this State, on the subject of elections of members of the General Assembly, and have amended the same in the manner herewith shewn, in which they ask the concurrence of the House of Representatives: *Ordered*, that the House concur in the several amendments made by the Senate to said bill.

Mr Coleman from the committee on the State Capitol, to which was referred a resolution instructing them to inquire into the cause of the vibration and confusion of sound by speaking in the Representative Hall, that they confer with the State Architect on that subject, as well as the means by which it may be remedied, reported that the statement lately submitted to

the House by the State Architect, contains all the information the committee have been able to obtain on the subject embraced in said resolution, and ask leave to be discharged from the further consideration thereof, which was granted.

Mr Ellis from the select committee, to which was referred a bill to be entitled, an act to incorporate the Sims' female academy, in the town of Tuscaloosa, reported the following amendments after the words "trustees" in the 7th line of the 1st section, insert the following, "so as not to exceed in the whole, fifteen," in the 4th line of the 3d section, after the words "personal" insert the following, "not exceeding twenty thousand dollars."

Mr Clark moved that the further consideration of the bill be postponed till Monday next, which was carried.

Mr Goldthwaite asked leave to be discharged from the committee appointed to examine the office of Treasurer, which was granted. *Ordered*, that Mr Pope be added to said committee.

Mr Bibb called up the bill entitled, an act to appoint canal commissioners for the improvement of the navigation of the Tennessee river and for other purposes. It was ordered to a second reading to-morrow.

Mr Hodges called up the joint resolution of the General Assembly of the State of Alabama, proposing amendments to the constitution, so as to have biennial sessions of the General Assembly thereof, which was ordered to a second reading to-morrow.

Mr Van Dyke obtained leave to introduce a bill to be entitled, an act to alter the times of holding the county courts of the county of Dallas, which was read a first time and ordered to a second reading to-morrow.

Mr Conner called up the bill entitled, an act appointing commissioners to mark out a road through that part of Pike county now occupied by the Creek Indians and for other purposes, which was referred to a select committee consisting of Messrs Conner, Parsons and Jackson.

Mr Perkins moved to add Mr Banks to the select committee, to which was referred the petition of the inhabitants of 16th section, township 20, range 5, west, of Tuscaloosa, which was carried.

Mr Coopwood moved to add Mr Clark to the committee on the State Capitol, which was carried.

Mr Craig offered the following: *Resolved*, that the following be adopted as the standing rule of this House. At the hour of twelve on each day the Speaker shall announce the same, and proceed upon the orders of the day, unless reached at an earlier hour.

On motion of Mr Ellis, *Resolved*, that the committee on the State Bank inquire into the expediency of so amending the charter of the Bank of the State of Alabama, as to limit the number of directors to six, and allow them compensation for their services.

On motion of Mr Robinson, *Resolved*, that the judiciary committee be instructed to inquire into the propriety or expediency of authorizing the county surveyor to appoint deputy surveyors, with leave to report by bill or otherwise.

Mr Mardis called up the bill entitled, an act to protect honesty and punish frauds.

On motion of Mr Philpott, *Resolved*, that the judiciary committee be instructed to inquire into the expediency of taking from the office of sheriff, the administration on the estates of intestates, and giving the same to the office of the coroner.

Mr Flournoy obtained leave to introduce a bill to be entitled, an act to authorize a road from the north east corner of the Capitol square, in the

town of Tuscaloosa, to the Warrior river, where the western boundary of said town intersects the same, which was read and ordered to a second reading to-morrow.

Mr Barclay obtained leave to introduce a bill to be entitled, an act to designate the boundaries of Jackson county, which was read and ordered to a second reading to-morrow.

Mr Ligon called up the joint resolution proposing an amendment to the constitution, so as to render the sheriffs re-eligible.

The bill from the Senate entitled, an act for the relief of James A. Thompson, tax collector of Dallas county, was read a first time. Mr Taylor moved that the rule requiring bills to be read on three several days be dispensed with and that it be read a second time forthwith, which was carried. The bill was then read a second time forthwith. Mr Taylor then moved that the rule be further dispensed, and that it be read a third time forthwith, which was carried. The bill was then read a third time forthwith and passed: *Ordered*, that the title be as aforesaid; *Ordered*, that the clerk acquaint the Senate therewith.

The House then proceeded to the orders of the day. The bill entitled, an act in relation to the fees of sheriffs and clerks of the circuit and county courts of this State; was read a second time. Mr Coopwood moved to amend the bill by way of the following proviso, *Provided*, the commissioners court shall not make any allowance to sheriffs for their ex-officio services to exceed one hundred dollars. Mr Clark moved that the bill be referred to a select committee, whereupon Messrs Clark, Goldthwaite, Parsons and Ligon were appointed said committee.

Mr Morrisett from the committee on enrolled bills, reported, that they have examined and find correctly enrolled, bills of the following titles: A bill amendatory of the laws of this State, on the subject of elections of members of the General Assembly, and a bill to alter the times of holding the county courts of Jefferson county.

The bill entitled, an act to give the decrees of the orphan's court on final settlements, the force and effect of judgements at law, was read a second time and referred to the judiciary committee to consider and report thereon.

Engrossed bill entitled, an act to amend an act passed the 13th day of January, 1826, entitled, an act to establish a permanent road from Florence, in the county of Lauderdale, to Athens, in the county of Limestone, was read a third time and passed: *Ordered*, that the title be as aforesaid; *Ordered*, that the same be sent to the Senate for their concurrence.

A message from the Senate by Mr Lyon: Mr Speaker, the Senate have passed a bill which originated in their House, entitled, an act more effectually to secure trials in capital cases by impartial juries, in which they desire your concurrence. They have also passed a joint resolution to authorize the building committee to procure the necessary furniture for the executive rooms in the State Capitol, which originated in the House of Representatives, and have amended the same by adding a proviso thereto limiting the amount to be expended, in which they desire your concurrence.

The bill entitled, an act more effectually to prevent the circulation of what are termed change bills, being on its second reading, Mr Coleman moved to amend the bill by striking out the words "and imprisonment for a term not exceeding one month nor less than one week. Mr Coopwood moved to amend Mr Coleman's amendment, by striking out the words "nor less than one week," which was carried. The question was again, on Mr Coleman's amendment, and carried. Mr Coleman moved to amend the bill by way of the following proviso: *Provided*, that nothing

herein contained shall be so construed as to prevent the persons who have already issued such bills to redeem the same, or to prevent such persons as may be the holders thereof, from presenting them to the drawer for payment. Mr Morrisett moved, that the further consideration of the bill be indefinitely postponed, which was lost. Mr Rather moved to amend Mr Coleman's amendment with the following words: "at any time before or after the first day of June next," which was carried. The question was then, on the adoption of Mr Coleman's amendment as amended and carried. Mr Craig moved to amend the 1st section by adding the words, "knowing at the time that he, she or they are wholly or in part unable to pay the same," which was lost. Mr Craig moved to strike out the words "promissory notes," which was lost. Yeas 17—Nays 53.

The yeas and nays being desired, those who voted in the affirmative are Messrs Clark, Cole, Craig, Durrett, Ellis, Jones, Lawler, Martin, Metcalfe, Mobley, Robinson, Ship, Smith, Van Dyke, Ward, Weissinger, and Young—17.

Those who voted in the negative are Messrs Speaker, Acklen, Baker, Banks, Barclay, Bates, Bibb, Bradford, Brodnax Brown, Byrnes, Coleman, Conner, Cook, Green, Coopwood, Curtis, Dale, Dennis, Fearn, Fitts, Flournoy, Forrest, Goldthwaite, Grigsby, Hays, Hester, Hodges, Horton, Hucson, Jackson, King, Lane, Ligon, Massey, Mead, Mims, Moore, Morrisette, Murphree, Oliver, Parsons, Penn, Philpott, Pope, Rather, Richardson, Ross, Reulston, Roysdon, Russell, Taylor and Williams—53

Mr Lawler moved to strike out the words "not less than fifty" which was lost. Mr Lawler moved to strike out the words "two hundred," which was lost. Mr Ellis moved to strike out the second section—and the House adjourned till to-morrow, at 10 o'clock, A. M.

Saturday, December 12, 1829.

The House met pursuant to adjournment.

Mr Massey presented the petition of sundry inhabitants of St. Clair county, praying the passage of a law to authorize Edward Royster, to build a toll bridge over Yellow Leaf creek, where the State road crosses said creek, leading from Tuscaloosa to Kimulga and Coosa river in Shelby county, which was read and referred to a select committee consisting of messrs Massey, Bradford, Forrest, and Brown to consider and report thereon.

Mr Conner presented the petition of sundry inhabitants of Marengo county, praying that the county boundaries remain as they are, which was read and referred to the committee on county boundaries.

Mr Conner presented the petition of sundry inhabitants of Marengo county, praying that the eastern boundary of said county be extended to the Alabama river, which was read and referred to the committee on county boundaries.

Mr Conner presented the petition of sundry inhabitants of Marengo county, praying that the Alabama river be the dividing line between the said county and county of Wilcox, which was read and referred to the committee on county boundaries.

Mr Pope presented the memorial of Daniel Nann, guardian of Robert Lyon, praying the passage of a law to authorize the sale of a certain negro slave named Moses, which was read and referred to the judiciary committee to consider and report thereon.

Ordered, that Mr Flournoy have leave of absence until Thursday next.

Mr Curtis presented the petition of the judge and commissioners of revenue and roads of Covington county, praying the passage of a law to authorize the building of a jail of said county, which was read and referred to the committee on county boundaries.

Mr Taylor, from the committee on the military, to which was referred

a resolution directing them to inquire into the expediency of exempting non slave holders from the discharge of patrol duty, reported that it is inexpedient to pass such law. Mr Coleman moved that the report lie on the table, which was carried.

Mr Taylor, from the same committee, to which was referred the petition of sundry citizens of Clarke county, reported that it is inexpedient to pass such a law, and ask leave to be discharged from the further consideration of the subject. Mr Mobley moved that the report lie on the table, which was lost. The committee were then discharged from the further consideration of the subject.

Mr Taylor, from the same committee, to which was referred a resolution directing them to inquire into the expediency of so amending the militia and patrol laws of this State, that the appointment of patrols and keeping of the same, shall devolve on the senior justice of the peace of each beat, reported that it is unnecessary and inexpedient to pass such a law. Mr Bibb moved that the report lie on the table, which was carried.

Mr Conner, from the select committee to which was referred the bill entitled an act appointing commissioners to mark out a road through part of Pike county, now occupied by the Creek Indians, and for other purposes, reported a substitute in lieu thereof which was adopted. Mr Fearn moved to strike out the fourth section of the bill. Mr Baker moved that the further consideration of the bill be postponed till Tuesday next, which was carried.

Mr Conner made the following report: The select committee to which was referred the resolution, requiring them to revise and amend, if necessary, the rules for the government of this House, have had the same under consideration, and have instructed me to report to this house the following amendments, viz: In the third rule, and third line, strike out the words "of an opinion that," and insert "in favor of:" In the sixteenth rule third line, after the word "certain," insert "not beyond one week" third line same rule strike out the word "lie," and insert "lay:" eighteenth rule, second line, strike out "put" and insert "taken:" twentieth rule, substitute—the Speaker shall appoint the following standing committees, on the first or second day of the session, which committees shall not be composed of more than seven members, unless otherwise ordered by the House, viz: A committee on the judiciary; a committee of ways and means; a committee on the state of the republic; a committee on education; a committee on internal improvement; a committee on propositions and grievances; a committee on accounts; a committee on military affairs; a committee on public building, and a committee on the State Bank. The Speaker shall also appoint all select committees, unless otherwise ordered by the House. For the 23d rule substitute the following, viz: upon a motion for a call of the House, the names of the members shall be called over by the clerk, the time of day, and the absentees without leave noted; who shall by order of those present, (if fifteen in number,) be forthwith sent for, and one hour thereafter, the names of the absentees shall be again called; which call shall not operate as a suspension of any business of the House, other than the subject upon which the call was made, which shall be immediately acted upon after the second call of the House, and the House shall not adjourn unless two thirds concur by yeas and nays, until the absent members shall have rendered their excuses; provided the excuses are made within one hour: and if any member or members fail to give a sufficient excuse, his or their absence shall be stated on the journal, and that no sufficient cause

of absence was shewn to the House. To the twenty-fourth rule make the following addition, viz: when the hour of twelve o'clock of each day shall arrive, the Speaker shall announce the same; when the orders of the day shall be taken up and acted upon, unless the House further suspend them. An additional rule to come in as rule 41, viz: No resolution or memorial shall be required to be read three times, unless such resolution or memorial shall have for its object the appropriations of any monies in the treasury shall operate as a law, or shall require the approval of the Governor. Rule 42nd, the House shall convene at 10 o'clock, A. M. of each day, and shall continue in session until two o'clock P. M. unless all the orders of the day shall first have been disposed of, or unless two thirds of all the members present, shall by yeas and nays determine to adjourn. Rule 43d, the rule now 41 as printed in the rules.

A message from the Senate, by Mr Lyon. Mr Speaker: The Senate have passed bills which originated in their house, entitled an act to fix the time for convening the General Assembly of the State of Alabama; and an act to extend the time for final settlement of the accounts of the taxcollector of Morgan county; in which they desire the concurrence of the House of Representatives.

On motion of Mr Flournoy: *Resolved*, that the committee on county boundaries be instructed to inquire into the expediency of making the line dividing townships 23 and 24, the southern boundary of Pikens, commencing at a point eastwardly, and running westwardly until said line strikes the Sipsey river, thence down said river to its junction with the Tombeckbe, and thence due west to the State line of Mississippi.

Mr Clark offered the following: *Resolved*, that one hundred copies of the report made heretofore, of the committee on county boundaries, be printed for the use of this House, and that said report and all other reports and bills relative to the same subject, which have been or may be introduced into this House, be made the special order of the day for Friday next. Mr Lawler moved that the resolution lie on the table, which was carried.

Mr Ligon obtained leave to introduce a bill to be entitled an act to amend the law now in force in relation to the change of venue in civil causes, and for other purposes; which was read and ordered to a second reading on Monday next.

Mr Coopwood obtained leave to introduce a bill to be entitled an act for the payment of Benjamin M. Bradford and Jack Shackelford, for stationary printing and other expenses, incurred in the land office at Courtland, which was read and ordered to a second reading on Monday next.

Mr Goldthwaite called up the bill entitled an act to establish the supreme court of the State of Alabama.

Mr Parsons called up the joint memorial to the Congress of the United States, asking relief for the purchasers of public land, and for other purposes. Mr Craig moved that the further consideration of the memorial be postponed until Tuesday next, which was carried.

Mr Brodnax called up the resolution from the Senate, proposing that the General Assembly will adjourn on the 24th instant. Mr Durrett moved that the further consideration of the resolution be postponed to the 29th instant, which was carried.

Mr. Moore called up the resolution entitled joint resolution to authorize the building committee to procure the necessary furniture for the Executive rooms in the State Capitol. Mr Forrest moved to amend the amendment made by the Senate, by striking out the word "five," with a

view to insert "two." A division of the question being called for, the the vote was first taken on striking out, and carried. Yeas 40—Nays 28.

The yeas and nays being desired, those who voted in the affirmative are messrs Baker Bates Bradford Brodnax Brown Byrnes Clark Cole Cook Curtis Dennis Fitts Flournoy Forrest Goldthwaite Green Hester Hodges Hudson Jackson Jones Lane Lawler Mardis Massey Mead Metcalfe Mobley Morrisett Murphree Philpott Rather Ross Roysdon Ship Smith Van Dyke Ward Weissinger and Young—40

Those who voted in the negative are messrs Speaker Acklen Barclay Bibb Coleman Conner Coopwood Craig Dale Derrett Ellis Fearn Grigsby Hays Horton King Ligon Moore Oliver Parsons Penn Pope Richardson Robinson Roulston Russell Taylor and Williams—28

Mr Ligon moved to fill the blank with the word "four," which was lost. Yeas 34—Nays 35.

The yeas and nays being desired, those who voted in the affirmative are Messrs Speaker Acklen Banks Barclay Bibb Byrnes Coleman Conner Coopwood Craig Dale Derrett Ellis Fearn Grigsby Hays Hodges Horton King Ligon Massey Moore Oliver Parsons Penn Philpott Pope Richardson Robinson Roulston Russell Taylor and Williams—33

Those who voted in the negative are messrs Baker Bates Bradford Brodnax Brown Clarke Cole Cook Curtis Dennis Fitts Flournoy Forrest Goldthwaite Green Hester Hudson Jackson Jones Lane Lawler Mardis Mead Metcalfe Mobley Morrisett Murphree Rather Ross Roysdon Ship Smith Van Dyke Ward Weissinger and Young—31.

Mr Goldthwaite moved to fill the blank with the words "three hundred and seventy-five," which was carried. Yeas 36—Nays 31.

The Yeas and nays being desired, those who voted in the affirmative are messrs Speaker Acklen Banks Barclay Bates Bibb Byrnes Coleman Conner Cook Coopwood Craig Dale Derrett Ellis Fearn Goldthwaite Green Grigsby Hays Hodges Horton King Lane Ligon Massey Moore Oliver Parsons Penn Philpott Pope Russell Richardson Robinson Roulston Taylor and Williams—38.

Those who voted in the negative are messrs Baker Bradford Brodnax Brown Clark Cole Curtis Dennis Fitts Flournoy Forrest Hester Hudson Jackson Jones Lawler Mardis Mead Metcalfe Mobley Morrisett Murphree Rather Ross Roysdon Ship Smith Van Dyke Ward Weissinger and Young—31.

The rule proposed by Mr Craig on yesterday, was, on motion of Mr Conner, laid on the table.

On motion of Mr Bradford: *Resolved*, that the committee on county boundaries be instructed to inquire into the boundary lines of St. Clair County, and see whether or not the said county contains its constitutional limits, and if not, what is the deficit, and that the said committee report the result of their inquiries back to this House.

A message from the Senate by Mr. Lyon. Mr Speaker: the Senate have passed bills which originated in their House, entitled an act to repeal in part an act entitled an act regulating judicial proceedings in certain cases, passed the 12th day of December 1811, and for other purposes: an act to repeal an act concerning roads highways bridges and ferries, in in the count. of Mobile, approved December 24, 1824: an act to amend an act for the government of the port and harbor of Mobile, passed December 23, 1822; an act to authorize the trustees of the university of the State of Alabama to reduce the price of the unsold university lands in this State; and an act to change the mode of paying jurors in certain counties therein mentioned, in all of which they desire your concurrence. They have also passed a bill and joint memorial which originated in the House of Representatives, entitled an act concerning the dismissal of suits at common law; and a joint memorial asking a donation of land to connect by canal the waters of the Tennessee and Coosa rivers.

The House then proceeded to the orders of the day. The House resumed the consideration of Mr Ellis' motion to strike out the second section of a bill entitled an act more effectually to prevent the circulation of what are termed change bills or tickets, which was carried. Yeas 49—Nays 17.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker Baker Banks Barclay Bates Bibb Bradford Brodnax Brown Byrnes Clark Cole Conner Craig Dale Dennis Durrett Ellis Fitts Flourney Goldthwaite Green Grigsby Hays Hester Hodges Jackson Jones King Lane Lawler Mardis Massey Metcalfe Mobley Moore Morrisett Murphree Oliver Parsons Pope Richardson, Roulston Russell Van Dyke Ward Weissinger Williams and Young.

Those who voted in the negative are messrs Acklen Cook Coopwood Curtis Fearo Horton Hudson Ligon Penn Philpott Rather Robinson Ross Roysdon Ship Smith and Taylor.

Mr Ligon moved to amend the bill by adding thereto a section No. 2. in lieu of the one stricken out. Mr Durrett moved to amend Mr Ligon's amendment by way of the following "*Provided*, all persons liable to fine shall be tried before a justice of the peace, which was lost. Mr Hudson moved to amend Mr Ligon's amendment, by adding after the word "fine," the words "and costs," which was carried. The question was then on the adoption of Mr Ligon's amendment as amended, and carried. Yeas 43—Nays 26.

The yeas and nays being desired, those who voted in the affirmative are messrs Acklen Banks Bates Bibb Bradford Coleman Conner Coopwood Curtis Dale Fearo Flourney Forrest Goldthwaite Grigsby Hester Hodges Horton Hudson Jackson Lane Ligon Mardis Massey Metcalfe Mills Morrisett Murphree Oliver Parsons Penn Philpott Peter Rather Richardson Robinson Ross Roysdon Russell Ship Smith Taylor and Williams.

Those who voted in the negative are messrs Speaker Baker Barclay Brodnax Brown Byrnes Clark Cole Cook Craig Dennis Durrett Ellis Fitts Green Hays Jones King Lawler Mobley Moore Roulston Van Dyke Ward Weissinger and Young.

The bill was then ordered to be engrossed for a third reading on Monday next. And then the House adjourned to 10 o'clock on Monday next, A.M.

Monday, December 14, 1829.

The House met pursuant to adjournment.

Mr Speaker laid before the House a communication from Samuel Pickens, Esq. which is as follows :

COMPTROLLER'S OFFICE, *Tuscaloosa, Dec. 14, 1829.*

The Honorable, the Speaker of the House of Representatives,

SIR:—The term for which I was elected to the office of Comptroller of Public Accounts having expired, I beg leave respectfully to ask the appointment of a committee to examine the books and papers of the Department, and transfer them into the hands of my successor in office.

In thus soliciting from the honorable body over which you preside an investigation of my official conduct, in a trust with which I have been long charged, I should feel that I was wanting in a due measure of gratitude, if I did not avail myself of this last opportunity I may ever enjoy, of offering to the legislature, my unfeigned thanks for the repeated testimonials of public confidence with which they honored me. The unanimity with which for ten successive years I have been called to discharge the duties of an important branch of the Executive department, demands my warmest acknowledgements; and is an event to which I so fondly recur as an evidence of their uniform and continued approbation, which no suspension of its favours could tempt me to undervalue. I have the honor to be, very respectfully, your obedient servant.

SAMUEL PICKENS.

Mr Penn moved that the communication lie on the table, which was lost. It was then referred to a select committee consisting of messrs Clark, Moore, Weissinger, and Richardson.

Mr Coopwood presented the account of William R. Martin, which was read and referred to the committee on accounts.

Mr Weissinger presented the petition of Sarah Bradford, L. J. Bradford, and L. A. Weissinger, praying the passage of a law authorizing the sale of the estate of Thomas C. Bradford, deceased, which was read and laid on the table.

Mr Fitts presented the petition of sundry inhabitants of Washington county, praying the passage of a law appointing commissioners to view and mark out a road running from the present state road, commencing from a point at or near Greensborough, the nearest and best route by Linden, crossing the Tombecbe river at Coffeeville, and thence the most direct route to Mobile; which was read and referred to the committee on roads bridges and ferries.

Mr Mobley presented the petition of sundry inhabitants of Clarke county, upon the same subject, which was read and referred to the same committee.

Mr Williams presented the memorial of O. S. Dyer, in relation to the opening of a certain road therein named; which was read and laid on the table.

Mr Mobley presented the petition of the judge and commissioners of roads and revenue of Clarke county, praying the passage of a law to authorize the commissioner's court to levy an extra tax, for the purpose of enabling the county to discharge its debts; which was read and referred to the committee of ways and means.

Mr Williams presented the petition of sundry inhabitants of Fayette county, praying to be attached to Walker county, which was read and referred to the committee on county boundaries.

Mr Conner presented the petition of sundry inhabitants of Marengo county, on the same subject of that of Mr Fitts; which was read and referred to the committee on Roads bridges and ferries.

Mr Ligon from the committee on the state of the republic, to which was referred a resolution of the State of Louisiana, reported a bill to be entitled an act relative to the introduction of slaves into this State, and for other purposes, which was read a first time and laid on the table. *Ordered*, that one hundred copies be printed for the use of this House.

Mr Moore, from the committee on lands appropriated for internal improvement, to which was referred the petition of Jesse Coe and others, reported a bill to be entitled an act to secure to certain persons their pre-emption rights, where the same has been omitted through mistake in transcribing the books for the register's office, which was read a first time and ordered to a second reading on to-morrow.

Mr Hudson, from the committee on propositions and grievances, to which was referred the petition of Registe Bernody and others, reported a bill to be entitled an act, authorising the liberation of certain slaves therein named: which was read a first time: and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith, and referred to the committee on the state of the republic.

Mr Goldthwaite, from the committee on the state of the republic, to which was referred resolutions of the legislature of the State of Louisiana, proposing an amendment to the constitution of the United States, re-

ported a joint resolution concerning an amendment to the constitution of the United States, proposed by the legislature of the State of Louisiana ; which was read and ordered to a second reading to-morrow.

Mr Hudson, from the committee on propositions and grievances, to which was referred the petition of Thomas Cussack, reported that the prayer of the petitioner is unreasonable, and ought not to be granted; in which report the House concurred.

Mr Mardis, from the judiciary committee, to which was referred the resolution instructing them to inquire into the expediency of amending the usury laws of this State, reported a bill to be entitled an act to amend an act entitled an act to regulate the rate of interest ; which was read a first time and ordered to a second reading on to-morrow.

Mr Hudson, from the committee on propositions and grievances, to whom was referred the petition of Isham Burk, reported a bill to be entitled an act to authorize the court of revenue and roads of Madison county, to make an appropriation for the support of Isham Burk, a pauper of Madison county, which was read a first time and ordered to a second reading on to-morrow.

Mr Hudson from the same committee, to which was referred the accounts of Campbell Sharp, jailer of Monroe county, reported that the accounts are not made out in such a manner as to satisfy the committee that they are legally chargeable on the State Treasury, and ought not to be allowed and ask leave to be discharged from the further consideration thereof, which was granted.

Mr Clark, from the select committee, to which was referred the bill to be entitled an act in relation to the fees of sheriffs and clerks of the circuit and county courts of this State, and also an amendment thereto, reported a substitute in lieu thereof. Mr Lawler moved that the further consideration of the bill be postponed until the first day of March next, which was carried.

Mr Philpott presented the accounts of the Sheriff of Morgan county, which was read and referred to the committee on accounts.

Mr Williams obtained leave to introduce a bill to be entitled an act to designate part of the line between the counties of Tuscaloosa and Bibb; which was read a first time, and ordered to a second reading on to-morrow.

Mr Weissinger obtained leave to introduce a bill to be entitled an act to authorize the administrators of the estate of Thomas C. Bradford, late of St. Clair county, dec. to sell the real estate which belonged to said decedent, which was read a first time ; and the rule requiring bills, &c. to be read on three several days, being dispensed with, it was read a second time forthwith ; and referred to the judiciary committee, with instructions to report thereon to-morrow morning.

A message from the senate by Mr Lyon, Mr Speaker: The Senate have adopted the following resolution in which they desire your concurrence: *Resolved*, by the Senate, the House of Representatives concurring therein, that the joint committee appointed by the two houses at the present session of the General Assembly, to examine the votes of the people of this State given at the last general election on the amendments proposed by the last General assembly to change the constitution of this State, so as to limit the tenure by which the judges hold their offices, be instructed as soon as the same can be done, to report to their respective Houses the result of their examination. They disagree to the amendment made by the House of Representatives to their amendment to the

joint resolution to authorize the building committee to procure the necessary furniture for the executive rooms in the State Capitol; in which resolution the House concurred.

Mr Clark obtained leave to introduce a bill to be entitled an act to annex from the county of Tuscalloosa to the county of Bibb, so much territory as will give to Bibb county her constitutional limits; which was read a first time and ordered to a second reading on to-morrow.

Mr Richardson made the following report: A majority of the committee of county boundaries having reported it inexpedient for the General Assembly to make any alteration in the boundaries of the several counties, through which the Alabama and Warrior rivers flow, the minority of said committee; beg leave, respectfully, to submit to the consideration of the House, the views which have led them to a different conclusion.

It will be remembered that the inconveniences and difficulties of crossing these rivers, have for years been the subject of complaint, and it is now confessedly a matter of serious regret, as well among those who are opposed to, as those who are in favor of the proposed change, that they were not originally designated as the boundaries of counties. That the hardships complained of are not feigned, will at once be perceived by every gentleman from the northern section of the State. Their possessing greater foresight than we of the south, the Tennessee river was made the line invariably, between all the counties north of the mountains. The propriety of this arrangement is so apparent, and its superior advantages so striking, that it is presumed no considerations whatever, could induce the inhabitants in that quarter to change it; and if they had committed the capital error of permitting that majestic stream to flow through the centre of their counties, it is confidently believed they would have been loud and incessant in their demands upon the justice of the legislature to correct it. In the country watered by the Alabama, it will be seen that wherever that river is the boundary between counties, it is regarded as permanent, and the people would think a proposition to change it, was dictated by an unpardonable blindness and indifference to their best interests. The same remarks will apply with full force to the counties of the Warrior and Tombeckbe rivers. The Alabama and Mobile divide from each other the counties of Montgomery and Autauga, of Clarke and Monroe, of Mobile and Baldwin. The citizens of these counties would deem it a calamity, a perpetual curse if this line was changed. The Warrior and Tombeckbe divide Marengo and Clarke from Washington county. The people of these counties are satisfied, and could not be induced to alter their natural and convenient boundary. The counties of Dallas and Wilcox are nearly equally divided by the Alabama, and the county of Greene; by the Warrior river. The people of these counties are dissatisfied, and they labor under inconveniences and hardships, to remedy which they make a solemn appeal, and it is the last which they will have it in their power to make, to the wisdom and justice of this General Assembly. Whatever effect the contemplated change is to have upon the people of other counties, it will interpose no rivers or large watercourses between them and their court houses, and will, in no respect, hinder them in the performance of their public business; nor will they feel any of the crying evils which grow out of the situation of the last mentioned counties.

The counties concerned in this interesting subject are Dallas, Wilcox, Greene, Perry and Marengo. The boundaries of some other counties will be slightly affected, though in such a way as to be unimportant to

them. It is understood that the three former are in favor of a division, and that Perry alone is opposed to it, Marengo being indifferent.

The minority of the committee will now exhibit to the House such views as they believe ought to influence its deliberations. by reference to the last enumeration, it appears that the number of inhabitants of Dallas county was — the number of ditto of Wilcox County was — the number of ditto of Greene county was — making the whole number amount to —. The number of inhabitants of Perry county was — leaving a majority in favor of a division of —. If the majority be tested by the representation, then Dallas county has 4, Wilcox, including the Senator, has 3, Greene county has 4, making the number in favor of a division 11: Perry county has 4, leaving a majority in favor of a division, 7. The minority cannot but console themselves, that under this view of the subject, though in committee they have been overruled by numbers, yet they represent the wishes of such a majority, as will be attentively heard in this House.

The division proposed to be made of Dallas and Wilcox, is to attach that part of the former county, east of the Alabama River, to that part of the latter on the same side, so as to form one county. To annex that part of Wilcox on the west side of said river, to Marengo and Clark, and to form a county of that part of Dallas which lies west of the river. In this arrangement, a small portion of territory will be taken from Montgomery, and it is believed, with the wishes of the people, for a large public meeting has been held, the proceedings of which have been published, and they have spoken to their representatives in a language, which they will doubtless feel themselves constrained to obey. A small part of Monroe will be added to Wilcox without any objection. Thus, the counties of Dallas and Wilcox can be divided so as to obviate all the difficulties under which they labor, without imposing any burthens or inconveniences on any other county. The county of Marengo will be greatly benefitted, for it will acquire an accession of wealth and population that will place it among counties of the first class.

It is proposed to make of the county of Greene, a county on the west of the Warrior river, and to attach that part which lies east of said river to the county of Perry. It is understood that this arrangement forms the great obstacle to the contemplated division. Almost all the objections to it proceed from the delegation of Perry, and, in the opinion of the minority without any just reasons. In casting the eye over the map, it will be seen, that at some future period, the territory of the Choctaw Indians, lying west of Greene, must be attached to it, and that a county east of the Warrior must be formed. If this should not be done, the said Indian territory will have to be annexed to Greene, with the present boundaries, and the singular spectacle will be presented, of a county cut up by two considerable navigable streams, and the difficulties of crossing them perpetually imposed upon two thirds of its citizens, not only in their daily and usual intercourse with each other, but in attending to all their public busines. As the county of Perry alone objects to the division which is so earnestly and loudly called for, the attention of the House is desired to a comparison of her present situation, with that in which she will be placed in the event of its accomplishment. Bounded as it now is, a large portion of its citizens are compelled to cross the Cahawba river to attend their courts, and all other business which requires them to visit their seat of justice. These consist of several hundreds, who, it is understood, are unanimous in the wish, that almost any arrangement should

take place, that would remove from them this inconvenience. It contains much poor land, which answers no other purpose than to make out the extent of territory required for each county by the constitution. It has no town, but a very inconsiderable village where the court house now is, and unless the minority are greatly misinformed, every particle of real property, both public and private, are not worth \$12,000, at any rate, the public buildings which have been erected cannot be worth \$500.

The part proposed to be taken from Perry, and attached to the adjacent counties, includes the lands that are least valuable, and the country situated east of the Calawha river. In exchange for this, it is intended to add all that part of Green which lies east of the Warrior river embracing the most wealthy, populous and fertile half of said county. The county of Perry will then be one of the wealthiest in the state, and will be entirely compact and connected, will afford every possible facility to the freest and most convenient intercourse of all its citizens, and will contain in its bosom, two of the most flourishing villages in the interior of our State. The loss of public buildings in Perry, is the only objection which can be urged against changing its boundaries. In the counties of Dallas, Wilcox and Greene, the loss in this respect will be considerable, and yet the people of these counties regard it as nothing, when weighed against the benefits to be derived from the proposed alteration.

But the inroads it would make upon the counties of Pickens and Fayette, form a prominent feature in the report of the committee. One general remark will be sufficient to answer this part of the report. These counties have no public buildings whatever, the seat of justice is not yet located in the former, and their boundaries can now be designated with as much convenience as if they were a wilderness.

The committee having failed to notice the difficulties under which the counties labor, that wish their boundaries changed, the minority will attempt, briefly to perform that duty. The House need not be informed, that the natural divisions of any country, whether they be rivers or mountains, never fail to produce local prejudices and party animosities. One portion of the community will always be arrayed against the other, in the choice of their public agents, and in the adoption of such measures as should have the common benefit of all for their object. These evils exist among us to an extent that renders our situation peculiarly unpleasant—that mars our prosperity as a people, and places us far behind our neighbors in that progressive state of improvement in which they find themselves. We are, and perpetually will be, torn asunder by internal dissensions, the ordinary and friendly intercourse of our people is destroyed, and the advantages and blessing of social harmony are denied us. The rivers which divide us from each other, annually overflow their banks, and spread over large tracts of country, rendering it impracticable to attend to our business at the spring term of our courts, and it is a fact too notorious to be doubted, that one half of the suits upon our dockets are compelled to be continued. Our people are commercial in their character and from their situation, and hence we have much litigation and crowded dockets; and it is difficult for any one to form a just conception of the immense expense incurred by these continuances, unless by those who are familiar with legal proceedings. But we have to pay a burdensome tax for the privilege of attending to our ordinary and public business—a large portion of our citizens cannot visit their court houses, attend their meetings, or their elections without paying from twenty-five to fifty cents each, on all of these occasions, and it would by no means be an extra-

vagant conclusion to say, that the amount we have to pay on the single item of ferriage in three months, would be more than sufficient to buy out the entire hamlet of Marion. The minority will take leave to state a particular instance of hardship and inconvenience that occurred in the county of Greene, and no doubt similar instances can be cited from the other counties, for the purpose of disclosing more clearly our real situation. One of our citizens who resided on the west side of the river, had a suit in court, which it was important he should attend to. He lived but a few miles from the court house, and could reach it in no other way than by crossing at Tuscaloosa, which he did at great peril, and at the trouble of travelling *one hundred* miles. The minority will conclude this counter report, by presenting in one view, the true state of the question, as it exists between the contending parties. The counties of Dallas, Wilcox and Greene, and it is believed, a majority of Marengo, are in favor of a change of their present boundaries. They are in favor of it, for the reasons among others before stated. The county of Perry, or rather her delegation, is opposed to it on account of the injury it will visit upon her present seat of justice. It is therefore, respectfully submitted to that sense of justice which will always direct the determinations of this House, in whose favor they will decide. *Ordered*, that said report lie on the table.

Mr Clark moved that seventy-five copies of said report, and also, seventy-five copies of the report of the same committee heretofore made on the same subject, be printed for the use of this House.

Mr Speaker laid before the House, the following communication from the Governor, which is as follows :

Executive Department, December 14, 1829.

Hon. J. Gayle, Speaker of the House of Representatives;

SIR—It is proper I should inform you of the absence of the Secretary of State, in consequence of the ill health of his family, and that my communications in his absence, will be made through Capt. Abbott. I have the honor to be, (Signed.) GABRIEL MOORE.

The House took into consideration the joint resolution to authorize the building committee of procure the necessary furniture for the executive rooms in the State Capitol; Mr Moore moved that the House recede from their amendment to said resolution, which was lost. Yeas 29—Nays 35.

The yeas and nays being desired, those who voted in the affirmative are Messrs Speaker, Acklen, Banks, Bibb, Byrnes, Coleman, Conner, Coopwood, Craig, Dale, Darret, Ellis, Fearn, Hays, Hodges, Horton, King, Lane, Mims, Moore, Oliver, Parsons, Penn, Pope, Richardson, Roulston, Russel, Taylor and Williams—29.

Those who voted in the negative are Messrs Baker, Bradford, Brodnax, Brown, Clark, Cole, Cook, Dennis, Fitts, Forrest, Goldthwaite, Green, Grigsby, Hester, Hudson, Jackson, Jones, Lawler, Mardis, Massey, McEldery, Mead, Metcalfe, Mabley, Morrisett, Murphree, Philpott, Rather, Ross, Roysdon, Ship, Smith, Ward, Weissinger and Young—35.

Br Bibb then moved that the House insist on their amendments to said resolution which was carried.

On motion of Mr Taylor, *Resolved*, that the committee on roads, bridges and ferries be instructed to inquire into the expediency of so amending the road laws as to make it the duty of the commissioners of the county court, or in the recess of the court, the judge of the county court upon the representation of three or more of the free holders liable to work on any road, to appoint a new overseer when the incumbent should have entirely neglected his duty, or where he shall by death, removal or otherwise have created a vacancy, and also, that they further inquire into the expediency of increasing the penalties on the apportioners and overseers, and

also into the expediency of adopting a more summary process against overseers and apportioners.

The House took into consideration the report of Mr Conner made on Saturday last.

Mr Taylor moved that the further consideration of the report lie on the table till the first day of the next session which was lost.

Mr Moore moved that the House disagree to the amendments, by inserting the words "not beyond one week;" which was carried. *Ordered*, that the House disagree to the amendment made as a substitute to the 20th rule. Mr Moore moved to amend the report, in the substitute for the 23d rule, strike out all after the word "House" to the word "and" which was carried. Mr Lawler moved to strike out 10 o'clock, with a view to insert half past 9 o'clock, which was carried. Mr Moore moved to strike out the words "or unless two thirds of all the members present shall by yeas and nays, determine to adjourn" which was carried. Mr Clark offered the following amendment: no member shall be added to any standing committee after it is appointed, unless the consent of the House to said addition be ascertained before the name of the member intended to be added is made known to the House, which was adopted. The report as amended, was then concurred in and adopted. Mr Clark moved that seventy-five copies of the rules be printed for the use of the House. And then the House adjourned to half past 9 o'clock, A. M.

Tuesday, December 15, 1829.

The House met pursuant to adjournment.

Mr Hudson presented the petition of sundry inhabitants of Franklin county praying the passage of a law to authorize Samuel Martin to retail spirituous liquors without a license, which was read and referred to the committee on propositions and grievances.

Mr Van Dyke presented the petition of sundry inhabitants of Dallas county, praying that the Alabama river be a dividing line, which was read and referred to the committee on county boundaries.

Mr Goldthwaite presented the petition of sundry inhabitants of Montgomery, Butler and Autauga counties, praying that a Branch Bank be established at the town of Montgomery, which was read and referred to a select committee consisting of Messrs Goldthwaite, Oliver, Taylor, Ross and Parsons, to consider and report thereon.

Mr Van Dyke presented the petition of sundry inhabitants of Dallas county, praying to re-establish a certain old road therein named, which was read and referred to a select committee consisting of Messrs Van Dyke, Taylor and Grigsby.

Mr Speaker laid before the House a communication from Cornelle Roudet, relative to the culture of the vine, &c., which was read and laid on the table.

Mr Bates presented the petition of John Batiste Marien, praying the passage of a law to emancipate certain slaves therein named, which was read and referred to the committee on propositions and grievances.

Mr Fearn presented the letter of James Clemens, of Madison county, asking the passage of a law to authorize him to enter certain lands therein mentioned, which was read and referred to the committee on lands appropriated for internal improvement.

Mr Van Dyke from the judiciary committee, to which was referred a resolution instructing them to inquire into the expediency of taking from the office of sheriff the administration on the estates of intestates, and giving the same to the office of the coroner; reported that it is inexpedient

to legislate upon the subject, and ask leave to be discharged from the further consideration thereof, which was granted.

Mr Coleman from the judiciary committee, to which was referred a bill to be entitled, "an act, to authorize the administrators of Thomas C. Bradford, late of St Clair county, deceased, to sell the real estate which belonged to said deceased; reported, that in the opinion of the committee a law embracing the provisions comprised in said bill, would be unconstitutional, and ought not to be passed. The question was put on concurrence with the report of the committee and lost. Yeas 32—Nays 34.

The yeas and nays being desired, those who voted in the affirmative are Messrs Baker, Barb, Clark, Coleman, Craig, Dale, Ellis, Fearn, Fitts, Green, Hodges, Lane, Lawler, Mardis, McEldery, Metcalfe, Mobley, Morrisett, Oliver, Parsons, Peon, Phelps, Pope, Robinson, Ross, Roulston, Roysdon, Smith, Vandyke, Ward, Williams, and Young—32.

Those who voted in the negative are Messrs Speaker, Acklen, Banks, Bates, Bradford, Bradnax Byrnes, Cole, Comer, Coopwood, Dennis, Durrett, Forrest, Galloway, Grigsby, Hays, Hester, Horton, Hudson, Jackson, Jones, King, Ligon, Mersey, Mead, Mims, Moore, Morphree, Rather, Richardson, Russell, Ship, Taylor, and Weissinger—34.

The bill was then ordered to be engrossed for a third reading on tomorrow.

A message from the Governor by Capt. Abbott;

December 15th, 1829.

Mr Speaker:—I am instructed by the Governor, to inform your honorable body, that he did, on the 11th instant approve and sign "an act amendatory of the laws of this State, on the subject of elections of members of the General Assembly, which act originated in the House of Representatives.

Mr Acklen from the judiciary committee, to which was referred a bill to be entitled, an act to reduce the damages on Bills of Exchange, reported the bill without amendments; and further, that in the opinion of the committee, it is inexpedient to pass such a law as contemplated by the bill. In which report the House concurred.

Mr Young from the committee on accounts, to which was referred the account of James Beggs, a constable of Green county, reported that it does not appear that said account is chargeable upon the State, and that it is not authenticated agreeably to law, and ought not to be allowed, and ask leave to be discharged from the further consideration of the subject, which was granted.

On motion of Mr Taylor, *Ordered*, that Mr Cook be added to the select committee to examine the Treasurer's office. Mr Bibb asked leave to be discharged from said committee, which was granted.

Mr Clark made the following report: The committee on county boundaries, to which was referred the petition of sundry citizens of Marengo county, praying that such part of said county beginning at the mouth of Yellow creek and running up said creek until it strikes the range line between three and four, thence with said line south, to the township line between seventeen and eighteen, thence with said township line east to Perry county line, be added to Greene county; have according to order, had said petition under consideration, and have instructed me to report, that it is inexpedient to grant the prayer of said petitioners; in which report they desire the concurrence of the House. Mr Speaker moved that the report lie on the table, which was carried.

On motion of Mr Bibb, the House resolved itself into a committee of the whole House upon the joint memorial to the Congress of the United

States, asking relief for the purchasers of public land and for other purposes; Mr Pean in the chair; and after some time spent in the consideration thereof, the committee rose, Mr Speaker resumed the chair, and Mr Chairman reported sundry amendments. Mr Lawler moved that the memorial and amendments lie on the table till to-morrow, which was carried.

Mr Mardis offered the following: *Resolved*, that the door keeper be instructed to contract for and furnish a sufficient quantity of cotton bagging, or negro cotton, to cover the passway from the door into this House, and the area in the centre of the Hall. Mr Clark moved that the resolution lie on the table, which was lost; it was then adopted.

Mr Hodges obtained leave to introduce a bill to be entitled, an act to reduce the costs in suits at common law and for other purposes, which was read and ordered to a second reading to-morrow.

Engrossed bills of the following titles, to wit: an act to alter the name of Lazarus Maddux to that of Leigh Maddux. An act to authorize William Johnson, sen., to make titles to lots sold by the commissioners of the town of Pickens, in Pickens county, were severally read a third time and passed. *Ordered*, that their titles be as aforesaid; *ordered*, that the same be sent to the Senate for their concurrence. And then the House adjourned till half past 9 o'clock to-morrow, A. M.

Wednesday, December 16th, 1829.

The House met pursuant to adjournment.

Mr Fearn presented the petition of the mayor and aldermen of the town of Huntsville, praying an amendment of the law establishing a fire engine company, which was read and referred to a select committee consisting of Messrs Fearn, Moore, Acklen and Penn. Mr Fearn also presented the petition of said mayor and aldermen, praying an amendment of the charter of incorporation so that the constable of said corporation may be chosen by the mayor and aldermen, which was read and referred to the same select committee as the one preceeding.

Mr Mardis presented the account of Ezekiel Henry, former sheriff of Shelby county, which was read and referred to the committee on propositions and grievances.

Mr Taylor presented the account of Thomas J. Frow, which was read and referred to the committee on accounts, with instructions to report on to-morrow.

Mr Coopwood presented the account of John Grigg, which was read and referred to the committee on accounts.

Mr Green presented the petition of sundry inhabitants, praying that Patsilaga continue the dividing line between Covington and Butler counties, which was read and referred to the committee on county boundaries.

Mr Murphree presented the memorial preferring charges against Patrick Scott, judge of Blount county court, which was read and referred to a select committee consisting of Messrs Forrest, Clark, Young and Mead; on motion of Mr Forrest, *Resolved*, that the charges preferred against Patrick Scott, judge of the county court of Blount county, for malfeasance and misfeasance in office be referred to a select committee, and that said committee be invested with power to send for persons and papers.

Mr Conner presented the petition of sundry inhabitants of Marengo county, praying the passage of a law to open a road from Greensborough to Mobile, which was read and referred to the committee on roads, bridges and ferries.

A message from the Senate by Mr Lyon; Mr Speaker: The Senate re-

cede from their disagreement to the amendment made by the House of Representatives to their amendment to the joint resolution to authorize the building committee to procure the necessary furniture for the executive rooms in the State Capitol. They have passed bills which originated in the House of Representatives entitled, an act to increase the pay and the more effectually to provide for the payment of the juries for the county of Montgomery and for other purposes; and an act to amend an act passed the 13th day of January, 1826, entitled, an act to establish a permanent road from Florence in the county of Lauderdale, to Athens in the county of Limestone. They have also passed a bill which originated in the Senate, entitled, an act to amend an act entitled an act, to incorporate Valley creek academy, in the county of Dallas, in which they desire the concurrence of the House of Representatives.

Mr Mardis from the committee on divorce and alimony, to which was referred the records and proceedings of the circuit courts of the counties of Baldwin, Wilcox, Morgan and Dallas, reported a bill to be entitled, an act to divorce certain persons therein named, which was read and ordered to a second reading to morrow. Mr Mardis from the same committee to which was referred the record and proceedings of the circuit court of Conecuh county, reported that in the opinion of this committee, there is no sufficient evidence upon which to found a decree, divorcing the parties, and the decree is informal, and ask leave to be discharged from the further consideration of the subject, which was granted.

Mr Clark made the following report: The committee on county boundaries to whom was referred a bill to be entitled, an act to attach a part of the counties of Clarke and Wilcox to the county of Monroe, and for other purposes, together with an amendment thereto, have according to order had said bill and amendments under consideration, and have instructed me to report the following amendments to the first section of the bill, viz: strike out of the third line the word "counties" and insert in lieu thereof the word "county," also, strike out the last word of said line, and first word of the fourth line, also, insert the word "east" between the word "north," at the end of the 7th line and the residue of the word at the commencement of the eighth line, so as to make it read "northeastwardly," also by striking out of the 10th line, commencing with the word "north" and ending with the word "five," in 11th line, and inserting in lieu thereof these words, "southern boundary line of Wilcox county," and also by striking out, in the same line, the word "east" and inserting in lieu thereof, the words "with said line," in which several amendments they desire the concurrence of the House. They have also instructed me to report, that it is inexpedient to adopt the amendment referred to their consideration. Mr Mobley moved that the bill and report lie on the table, which was carried. Mr Clarke from the same committee, made the following report: The committee on county boundaries to whom was referred a bill to be entitled, an act to establish the county of ——— have according to order, had said bill under consideration, and have amended the same by an additional section, No. 7, herewith submitted, in which amendment they desire the concurrence of the House. Mr Ligon moved that the bill, together with the report, lie on the table, which was lost. Mr Morrisette moved to amend the 7th section, with the following, strike out "Alabama river" and insert in lieu thereof, "southeast corner of township ten, in range seven, and from thence north, to the Wilcox line," which was adopted. The amendment as amended was then concurred in. Mr Ross moved to amend the bill by adding thereto an additional section, which

was lost. Mr Speaker moved that the bill with the report, lie on the table, which was lost. Yeas 29—Nays 36.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker Acklen Bates Byrnes Coleman Fearn Forrest Grigsby Hays Hodges Jones King Lane Lawler Ligon mardis moore Parsons Penn Philpott Rather Richardson Robinson Ross Reulsten Russell Taylor Van Dyke and Williams.—29.

Those who voted in the negative are messrs Baker Barclay Bibb Bradford Brodnax Brown Clark Cole Conner Cook Coopwood Craig Dennis Durrett Fitts Goldthwaite Green Hester Horton Hudson Jackson Massey McEldery Mead Metcalfe Mims Morrisett Murphree Oliver Pope Roysdon Ship Smith Ward Weisinger and Young.—36.

The bill was then ordered to be engrossed for a third reading to-morrow.

Mr Speaker moved that the bill entitled, an act to change and designate the boundaries of certain counties therein named, together with the reports heretofore made on the subject of county boundaries be made the special order of the day for Friday next.

On motion of Mr Taylor, *Resolved*, that Thomas J. Frow, editor of the Selma Courier, be permitted to take a seat within the bar of this House, for the purpose of taking notes of its proceedings.

Mr Moore obtained leave to introduce a bill to be entitled, an act to establish an Office of Discount and Deposit of the Bank of the State of Alabama, at ——— in the Tennessee Valley, which was read and ordered to a second reading to-morrow.

Mr Young from the select committee to which was referred the petition of sundry citizens of Perry county reported a bill to be entitled, an act to incorporate Marion academy in Perry county, which was read and ordered to a second reading to-morrow. And then the House adjourned to half past 9 o'clock to-morrow, A. M.

Thursday, December 17th, 1829.

The House met pursuant to adjournment.

Mr Young presented the account of the jailer of Perry county, which was read and referred to the committee on accounts.

Mr Coopwood presented the petition of sundry inhabitants of Lawrence county, praying the repeal of a certain law therein mentioned, which was read and referred to a select committee consisting of messrs Coopwood, Hodges, Horton and Ligon, to consider and report thereon.

Mr Taylor presented the memorial of Levi Robbins, praying compensation for apprehending and conveying to jail, David Birum, charged with horse stealing, which was read and referred to the committee on propositions and grievances.

Mr Clark presented the petitions of sundry inhabitants of Bibb county, relative to the seat of justice of said county, which was read and referred to the committee on county boundaries, to consider and report thereon.

Mr Bates presented sundry vouchers relative to the accounts of the Sheriff of Mobile county, which were severally read and referred to the committee on accounts.

Mr Roysdon from the judiciary committee, to which was referred a resolution instructing them to inquire into the propriety or expediency of authorizing the county surveyor to appoint deputy surveyors, reported that it is inexpedient to legislate upon the subject, in which report the House concurred.

Mr Clark made the following report: The committee on county boundaries, to whom was referred the petition of sundry citizens of Montgomery county, praying for a division of said county, have according to order had the said petition under consideration, and have instructed me to

report, that the relief sought by said petitioners, will be found in a bill referred to and amended by this committee, entitled, an act to establish the county of ——— and therefore ask leave to be discharged from the further consideration of said petition, which was granted.

Mr Clark made the following report: The committee on county boundaries to whom was referred sundry petitions of sundry citizens of the county of Monroe, praying that that part of Clarke county annexed from Monroe, at the last session of the Legislature, may be re-annexed to Monroe county, and that a portion of Monroe county from the northeastern part thereof may be taken from said county so as to form a more compact county; and also, the petitions of sundry citizens of that part of Clarke county taken from Monroe at the last session, praying to be re-annexed to Monroe county, have according to order had said petitions under consideration, and have instructed me to report, that the prayers of said petitioners, as far as the public good will permit, is complied with, in the several amendments reported by your committee to the bills to be entitled, an act to attach a part of the counties of Clarke and Wilcox to the county of Monroe and for other purposes, and an act to establish the county of ——— and therefore ask leave to be discharged from the further consideration of said petitions. Mr Mobley moved that the report lie on the table, which was carried.

Mr Van Dyke, from the select committee to which was referred the petition of sundry citizens of Dallas county, praying an alteration of a certain State road therein named, reported that there is among the orders of the day, a bill from the Senate, embracing the object of said petition, and ask leave to be discharged from the further consideration of the subject, which was granted.

A message was received from the Senate by George Washington Gayle, their assistant secretary, Mr Speaker: The Senate have read three several times and passed a bill and memorial which originated in their House, entitled, an act for the relief of Martha Williams and for other purposes; memorial to the Congress of the United States, to procure the establishment of a land office at Monticello, in Pike county Alabama. in which they desire your concurrence. They have also passed a bill which originated in the House of Representatives, entitled, an act to authorize John A. Chapman, Simeon Chapman, Daniel Welch and their associates, to turnpike a certain road therein named.

Mr Morrisett made the following report: The committee on enrolled bills have examined and find correctly enrolled, a bill entitled, an act for the relief of James A. Thompson, tax collector of Dallas county.

Mr Ligon made the following report: The committee on enrolled bills have examined and find correctly enrolled, bills of the following titles: an act to increase the pay and the more effectually to provide for the payment of jurors for the county of Montgomery; an act to amend an act, passed the 13th day of January, 1826, entitled an act to establish a permanent road from Florence in the county of Lauderdale, to Athens in the county of Limestone, and a joint resolution to authorize the building committee to procure the necessary furniture for the executive rooms in the State Capitol. all which originated in the House of Representatives.

Mr Ligon from the judiciary committee, to which was referred a bill to be entitled an act to authorize the orphans' court to sell the perishable property of infant legatees, &c., reported said bill without amendment and that in the opinion of said committee, it is inexpedient to pass such a law, in which report the House concurred.

Mr Ligon from the judiciary committee, to which was referred the petition of Daniel Nance, guardian of Robert Lyon, reported that the privilege asked for in said petition, is one that this General Assembly cannot consistently with the constitution grant, and is therefore unreasonable. Mr Ligon moved that the report lie on the table, which was carried.

Mr Hudson called up the report of the committee on propositions and grievances, relative to the location of the seat of justice of Bibb county. The question was on concurring with the report of the committee, and lost. Yeas 28—Nays 42.

The yeas and nays being desired, those who voted in the affirmative are messrs Baker Bradford Clark Cole Coleman Coopwood Craig Dale Ellis Forrest Goldthwaite Green Hays Hudson King Lane Lawler Massey McElderry Mims Morrisett Oliver Parsons Rather Ship Smith Weissinger and Young.

Those who voted in the negative are messrs Speaker Acklen Banks Barclay Bates Bibb Brodnax Brown Byrnes Conner Cook Curtis Dennis Darrett Fearn Fitts Grigsby Hester Hodges Horton Jackson Jones Ligon Mardis Metcalfe Mobley Moore Murphree Penn Philpott Pope Richardson Robinson Ross Roulston Roysdon Russell Taylor Van Dyke Ward and Williams.

Mr Jones moved that the report and petitions be recommitted to the same committee with instructions to report a bill agreeably to the prayer of said petitioners. Mr Lawler moved the following: "with instructions to report a bill to authorize the people of Bibb county at the next general election, to vote for a permanent site for the seat of justice in said county, and that Centreville, the present site and centre of said county, be put in nomination." Mr Hudson moved to amend Mr Lawler's amendment, with the words "and the site so selected shall be and remain the permanent seat of justice for said county, which was carried. The question was then on adoption of Mr Lawler's amendment as amended, and lost. A division of the question being called for, on Mr Jones' motion, the vote was first taken on the reference without instructions and carried. The question was then taken on the motion to instruct the committee and lost.

The yeas and nays being desired, those who voted in the affirmative are Messrs Banks Barclay Brodnax Grigsby Hodges Jackson Jones Ligon Mardis Metcalfe Richardson Ross Roysdon Taylor and Van Dyke—15.

Those who voted in the negative are messrs Speaker Acklen Baker Bibb Bradford Brown Byrnes Clarke Cole Coleman Conner Cook Coopwood Craig Curtis Dale Dennis Darrett Ellis Fearn Fitts Forrest Goldthwaite Green Hays Hester Horton Hudson King Lane Lawler Massey McElderry Mead Mims Moore Morrisett Murphree Oliver Parsons Penn Philpott Pope Rather Robinson Roulston Russell Ship Smith Ward Weissinger Williams and Young—53.

A message from the Governor by Capt. Abbot:

Executive department, December 16, 1829.

Honorable the Speaker and members of the House of Representatives.

GENTLEMEN: Joel A Lyle Esq. having made it known to me by letter this date, that he declines accepting the appointment of judge of the county court of Connecuh, I have embraced the earliest opportunity of communicating this fact, that your honorable body may proceed to the necessary steps for filling this vacancy. I have the honor to be, &c.

(Signed)

GABRIEL MOORE.

A bill from the Senate entitled an act to authorize the courts of this State to render judgement final against the security of non residents, was read a second time and referred to the judiciary committee.

The engrossed bill entitled an act to legalize the rites of matrimony between Gabriel Butler and Mary Littrell, of the county of Lauderdale and State of Alabama, and render legitimate their children, was read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The bill entitled an act supplementary to an act, passed the 15th day of January 1823, entitled an act to authorize the sale of 16th sections and for other purposes, was read a second time, and referred to a select committee consisting of Messrs Coopwood Fearn and Goldthwaite, to consider and report thereon.

The bill entitled an act to establish an uniform practice in the several courts of this State, in relation to judgements by default, being on its second reading: Mr Hodges moved that the further consideration thereof be postponed till the first day of March next, which was carried. Yeas 41—Nays 28.

The Yeas and nays being desired, those who voted in the affirmative are messrs Speaker Barclay Bates Bradford Brodnax Brown Byrnes Cole Conner Coopwood Craig Dale Dennis Dorrett Fitts Forrest Green Grigsby Hays Hester Hodges Horton Hudson Jackson Jones King Lane Massey Mead Mims Moore Morrisett Murphy Philpott Rather Richardson Roulston Russell Smith Ward and Weissinger—41.

Those who voted in the negative are messrs Acklen Baker Banks Bibb Clark Coleman Cook Curtis Ellis Fearn Goldthwaite Lawler Ligon Mardis McElderry Metcalfe Mobley Oliver Parsons Penn Pope Robinson Ross Roysdon Ship Taylor Williams and Young—28.

A message from the Senate by George Washington Gayle. Mr Speaker: The Senate have adopted the following resolution, in which they desire your concurrence: *Resolved*, That with the concurrence of the House of Representatives, the Senate will convene in their hall at the hour of twelve o'clock on tomorrow, the 18th December, for the purpose of going into an election for judge of the county court of Conecuh. They have also passed bills originating in their House, entitled, an act to authorize the inhabitants of township two, range one, east, in Madison county, to hold an election for the purpose of ascertaining the wishes of said inhabitants in regard to selling the 16th section therein, and for other purposes: an act to emancipate certain slaves therein named; in which they desire your concurrence. They have passed a bill originating in the House of Representatives, entitled an act to alter the name of Lazarus Maddux to that of Leigh Maddux.

Mr Parsons then moved to amend the resolution by striking out twelve, with a view to insert the word four, so as to go into the election at four o'clock, P. M. which was carried. The resolution as amended was then adopted.

The bill entitled an act to emancipate certain slaves therein named, was read a second time, and referred to the committee on the state of the republic.

Bills from the Senate of the following titles, viz: an act to authorize Eli Holly to emancipate his female slave named Bet; and an act to emancipate certain slaves therein named, were severally read a first time, and the rule requiring bills to be read on three several days, being dispensed, they were then read a second time forthwith, and referred to the committee on the state of the republic.

The engrossed bill entitled an act to change the times of holding the circuit courts in the counties of Henry, Dale, and Covington, was read a third time. Mr Goldthwaite moved to amend the title of the bill, by adding the words Baldwin and Mobile, which was carried. The bill was then passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Goldthwaite obtained leave to introduce a bill to be entitled an act to amend the attachment laws of this State, which was read a first time, and ordered to a second reading to-morrow.

Mr Mobley obtained leave to introduce a bill to be entitled an act to prevent judgement by default; which was read a first time. Mr Mardis moved that the bill be indefinitely postponed. And the House adjourned until half past 9, tomorrow, A. M.

Friday, December, 18, 1829.

The House met pursuant to adjournment.

Mr Clark presented the petition of sundry inhabitants of Bibb county, praying the passage of a law to authorize William B. Norris to build a mill at Woodruff's shoals on the Cahawba river, which was read and referred to a select committee consisting of messrs Clarke, Jones, Taylor, and Van Dyke, to consider and report thereon.

Mr Hudson, from the committee on accounts, to which was referred the account of William R. Martin, a constable of Lawrence county, reported that in the opinion of the committee said account is not legally chargeable on the State Treasury, and ought not to be allowed, and ask to be discharged from the further consideration thereof. Mr Coopwood moved that the report lie on the table, which was carried.

Mr Williams, from the committee on Public Printing, to which was referred the bill entitled an act requiring the Secretary of State to make an index to the journals of the General Assembly, reported the same without amendment, and that it is inexpedient to legislate on the subject at this time, in which report the House concurred.

Mr Clarke, from the committee on accounts, to which was referred the account of William Howson, jailer of Madison county, for keeping Samuel Williams in said jail, as well as for fees against said Williams while in confinement, reported that said account is not chargeable upon the state, and ask leave to be discharged from the further consideration thereof. Mr Acklen moved that the report lie on the table, which was carried.

Mr Clarke, from the same committee, to which was referred the account of William Howson, for keeping James P. Nolin, charged with murder, reported that said account is not sufficiently authenticated, and ask leave to be discharged from the further consideration of said account. Mr Acklen moved that the report lie on the table, which was carried.

The engrossed bill entitled an act to authorize the administrators of the estate of Thomas C. Bradford, late of St. Clair county, deceased, to sell the real estate which belonged to said decedent, was read a third time, and passed. *Ordered*, that the title be as aforesaid. *Ordered* that the same be sent to the Senate for their concurrence.

Mr Ligon who voted in the majority on concurring with the report of the committee on yesterday, on the bill entitled an act to authorize the orphan's court to sell the perishable property of infant legatees, &c. moved to reconsider the vote, which was carried. Mr Ligon asked leave to withdraw the report, which was granted.

Mr Parsons offered the following: *Resolved*, that a committee of five members be appointed to examine all the business before the House, and on the table, and which shall either be before the House or on the table by Wednesday next, and to report to the House the business and matters most necessary to be acted on at the present session, and on such report being concurred in by the House, such matters as may be embraced in said report, shall be first acted on by the House, excluding from the operation of this rule matters coming from the Senate, and growing out of Executive communications. Mr Horton moved that the further consideration of the resolution be postponed till Monday week next, which was carried.

Mr Penn, from the select committee to which was referred the petition of the mayor and aldermen of the town of Huntsville, praying an amendment to the law establishing a fire engine company, reported a bill to be entitled an act to amend an act, passed December 10th, 1823, entitled an act to amend an act to incorporate the Huntsville fire engine company, passed Dec. 10, 1823, which was read a first time, and ordered to a second reading to-morrow.

A message from the Senate by George Washington Gayle. Mr Speaker: The Senate has instructed me to inform you that they have concurred in the amendment made by your honorable body, to a resolution proposing to go into an election for judge of the county court of Conecuh county, at the hour of 12 o'clock, on the 18th instant.

On motion of Mr Penn: *Resolved*, That the door keeper be authorized to purchase a table for the use of the assistant clerk of this House, to be placed in the Hall.

Mr Forrest obtained leave to introduce a bill to be entitled an act to amend an act passed the ninth day of December, 1820 entitled an act to point out the duties of owners and keepers of water mills, who grind for toll; which was read a first time, and ordered to a second reading to-morrow.

Mr Horton obtained leave to introduce a bill to be entitled an act to compel non-resident plaintiffs to give security for costs; which was read and ordered to a second reading to-morrow.

Mr Brodnax made the following report: The committee on enrolled bills have examined and found correctly enrolled a bill entitled an act to alter the name of Lazarus Maddux, to that of Leigh Maddux.

On motion of Mr Bibb: the House then resolved itself into a committee of the whole House, on the bill entitled an act to change and designate the boundaries of certain counties therein named, Mr Bibb in the chair, and after some time spent in consideration thereof, the committee rose, reported progress, and leave was asked to sit again, which was granted.

Mr Parsons called up the bill entitled an act to attach a part of the counties of Clarke and Wilcox to the county of Monroe, and for other purposes, which was placed among the orders of the day.

The bill entitled an act making appropriation to pay the balance of the amount to which the commissioners of the State capitol were authorized by law to contract, and for which there has been no appropriation, was read a second time. Mr Clark moved that the bill be referred to the committee on the State Capitol, which was carried.

Bills from the Senate of the following titles, viz: memorial to Congress relating to the boundary line between the State of Alabama and West Florida: joint resolution to authorize the appointment of a commissioner, to act with such commissioners as may be appointed by the United States, to define the line between this State and West Florida: and an act to alter and amend the charter of the incorporation of the city of Mobile, were severally read a first time, and ordered to a second reading to-morrow.

Mr Morrisett made the following report: the committee on enrolled bills have examined and find correctly enrolled bills of the following titles, to wit: an act to amend an act passed the 13th day of January 1826, entitled an act to establish a permanent road from Florence, in the county of Lauderdale, to Athens, in the county of Limestone: an act to increase the pay and the more effectually to provide for the payment of the jurors for the county of Montgomery, and for other purposes: and joint resolu-

tion to authorize the building committee to procure the necessary furniture for the executive rooms in the State Capitol.

The bill entitled an act to compensate sheriffs and constables for keeping stock levied on by virtue of an execution or attachment, being on its second reading. Mr Taylor moved that the bill be indefinitely postponed, which was carried.

The bill entitled an act regulating appeals, taken from the county to the circuit courts, was read a second time. Mr Taylor moved that the bill be indefinitely postponed, which was lost. Yeas 13—Nays 35.

The yeas and nays being desired, those who voted in the affirmative are Messrs Speaker, Acklen, Barclay, Bates, Bibb, Brodnax, Brown, Byrnes, Clark, Cole, Coleman, Conner, Coopwood, Craig, Fearn, Flournoy, Goldthwaite, Grigsby, Hays, Hester, Hodges, Hudson, Lane, Metcalfe, Mims, Murphree, Penn, Richardson, Roulston, Russell, Taylor, Ward, and Young—33.

Those who voted in the negative are Messrs Baker, Banks, Bradford, Cook, Dale, Dennis, Durrett, Fitts, Forrest, Green, Horton, Jackson, Jones, King, Lusher, Ligon, Mardis, Massey, McElderry, Mead, Mobley, Moore, Morrisett, Oliver, Parsons, Philpott, Pope, Rather, Robinson, Ross, Roysdon, Ship, Smith, Weissinger, and Williams—35.

Mr Clark then moved that the bill be referred to a select committee with instructions to report a bill in lieu thereof, to prevent appeals in all cases under twenty dollars to the county court. A division of the question was called for, and the vote was first taken on the reference, without instructions and carried: the vote was then taken on the instructions, and lost. The bill was then referred to a select committee consisting of Messrs Morrisett, Parsons, and Coopwood.

Mr Ligon obtained leave to introduce a bill to be entitled an act to alter the time of holding the circuit courts in the counties of Limestone and Lawrence; which was read a first time, and ordered to a second reading to-morrow. The House then adjourned to half past three o'clock, this evening.

Evening session, half past three o'clock.—The House met pursuant to adjournment.

On motion of Mr Bates: *Resolved*, That a select committee be appointed to inquire into the expediency of memorializing the Congress of the United States, urging the necessity of renewing the public works on Dauphin Island, and that they report by memorial or otherwise. Whereupon Messrs Bates, Parsons, Byrnes, and Acklen were appointed said committee.

Mr Byrnes obtained leave to introduce a bill to be entitled an act to regulate the terms of the county court of Mobile county; which was read a first time, and ordered to a second reading to-morrow.

Mr Young asked leave to be discharged from the committee appointed to examine into the affairs of the public property in the town of Cahawba and vicinity, which was granted. Mr Taylor moved that Mr Van Dyke be added to said committee.

The bill entitled an act to allow compensation to George M. Taylor, for expenses incurred in the prosecution of David M. Smithson, was read a second time, and referred to a select committee consisting of Messrs Hudson, Coopwood, and Horton, to consider and report thereon.

The bill entitled an act to authorize the courts of roads and revenue to fix and regulate the compensation of jurors, being on its second reading, Mr Moore moved that the bill be indefinitely postponed.

On motion of Mr Ligon: *Resolved*, That the Senate be informed that this House is now ready to receive them in its hall, for the purpose of

going into the election of a judge of the county court for the county of Conecuh.

The Senate having repaired to the hall of the House of Representatives, the two houses then proceeded to the election of the county court judge for Conecuh county—Stephen C. Richardson being in nomination.

Those who voted for Mr Richardson are Mr President, Conner, Garth, Irwin, Jackson, Perry, Vining, Walthall, Watkins. Reps. Mr Speaker, Acklen, Baker, Bates, Bibb, Bradford, Brodnax, Brown, Byrnes, Clark, Cole, Coleman, Conner, Cook, Coopwood, Curtis, Dale, Dennis, Darrett, Flournoy, Green, Hays, Hester, Hodges, Horton, Hudson, Jackson Jones, King, Lawler, Ligon, Massey, Metcalfe, Mims, Mobley, Moore, Morrisett, Murphree, Oliver, Penn, Pope, Rather, Richardson, Robinson, Ross, Roulston, Roysdon, Ship, Smith, Van Dyke, Ward, Weisinger, Williams and Young.

Mr Richardson having received a majority of votes, mr Speaker declared him elected judge of the county court for Conecuh County. The Senate withdrew, and the House adjourned to half past 9 o'clock, tomorrow, A. M.

Saturday, December 19, 1829.

The House met pursuant to adjournment.

A message from the Senate, by Geo. Washington Gayle. Mr Speaker: The Senate have passed bills which originated in their house, entitled an act to amend an act entitled an act to authorize the sales of sixteenth sections, and for other purposes, approved January 15, 1828: an act supplemental to an act passed 14th December, 1827, prescribing the mode of contesting elections: in which they desire your concurrence.

Mr Conner presented the petition of Sundry inhabitants of Marengo county, praying that the county boundaries of said county remain as they now are; which was read and referred to the committee on county boundaries.

Mr Jones presented the account of the sheriff of Bibb county, which was read and referred to the committee on accounts, to consider and report thereon.

Mr Byrnes, from the committee on accounts, to which was referred the account of Garret Fitzgerald, for making return of Senator for Fayette county, reported that said account is not chargeable on the State, in which report the House concurred.

Mr Massey, from the select committee to which was referred the petition of sundry citizens of the counties of Shelby and St. Clair, praying the passage of a law to authorize Edward Royster to build a toll bridge over Yellow Leaf creek in Shelby county, reported that the county courts have ample authority to contract for the building of toll bridges, and ask leave to be discharged from the further consideration of the subject. Mr, Mardis moved that the report lie on the table, which was carried.

Mr Rather obtained leave to introduce a bill to be entitled an act to exempt females from imprisonment for debt; which was read a first time, and ordered to a second reading on Monday next.

The bill entitled an act for the payment of Benjamin M. Bradford and Jack Shackelford, for stationary, printing, and other expenses incurred in the Land Office at Courtland, was read a second time, and referred to a select committee consisting of messrs Coopwood, Conner and Bibb, with instructions to report on Monday next.

Mr King obtained leave to introduce a bill to be entitled an act to repeal an act incorporating the town of Hazlegreen, in Madison County, which was read, and ordered to a second reading on Monday next.

Mr Acklen, from the select committee to which was referred the peti-

tion of of the mayor and aldermen of the town of Huntsville, praying an alteration of the charter of said town, so as to authorize the mayor and aldermen to appoint the town constable, reported that it is inexpedient to grant the prayer of the petitioners. Mr Fearn moved that the report lie on the table, which was carried.

On motion of Mr Williams: *Resolved*, That the committee on county boundaries be instructed to inquire whether Bibb county contains as much territory as is required by the constitution, and what quantity of territory has been taken from Bibb and added to Perry county, and make report to the House.

Mr Roysdon obtained leave to introduce a bill to be entitled an act to regulate the time of pleading in courts of justice, which was read a first time, and ordered to a second reading on Monday next.

Mr Taylor offered the following: *Resolved*, That the committee on county boundaries be instructed to inquire into and ascertain, whether, by attaching the twelfth range to Montgomery county, it will not reduce the county of Dallas below the constitutional extent of territory. Mr Hester moved that the resolution lie on the table, which was lost. The resolution was then adopted, and

On motion of mr Taylor, the House again resolved itself into a committee of the whole House, on the bill entitled an act to change and designate the boundaries of certain counties therein named, mr Bibb in the chair; and after some time spent in consideration thereof, the committee rose; mr Speaker resumed the chair, and mr Chairman reported progress, and leave was asked to sit again, which was granted.

A message from the Senate, by Geo. Washington Gayle. Mr Speaker: The Senate have passed bills originating in their house entitled an act to authorize Sarah Cade, executrix of Drury B. Cade, deceased, to sell and transfer certain real estate, and an act regulating the duties of county treasurers. They have also passed a joint resolution proposing amendments to the constitution of the State of Alabama, so as to have biennial sessions of the General Assembly thereof; in all of which they desire your concurrence. They have also passed a bill originating in the House of Representatives, entitled an act to authorize William Johnson, sen. to make titles to lots sold by the commissioners of the town of Pickens, in Pickens county. They have also passed a joint resolution, asking the establishment of a land office in Bellefonte, which originated in the House of Representatives, and have amended the same by striking out the proviso from the end thereof in which amendment they desire your concurrence.

The House resumed the consideration of mr Moore's motion, to indefinitely postpone the bill entitled an act to authorize the courts of roads and revenue, to fix and regulate the compensation of jurors, which was carried.

Mr Hudson from the select committee, to which was referred the bill entitled an act to allow to George M. Taylor compensation for expenses incurred in the prosecution of David M. Smithson, charged with murder, reported a substitute in lieu thereof. Mr Coopwood moved that the further consideration of the bill be postponed until Monday next, which was carried.

Mr Taylor, who voted in the majority on the indefinite postponement of the bill entitled an act to compensate sheriffs and constables for keeping stock levied on by virtue of an execution or attachment, moved to reconsider the vote, which was carried. The House then adjourned to half past 9 o'clock, on Monday next, A. M.

Monday, December 21, 1829.

The House met pursuant to adjournment.

Mr Bean presented the accounts of Feilding L. White, former jailer of Madison county which were severally read and referred to the committee on accounts.

Mr Byrnes presented sundry accounts which were severally read and referred to the committee on accounts.

Mr Ship presented the account of the jailer of Fayette county which was read and referred to the committee on accounts, to consider and report thereon.

Mr Parsons presented the record in the case of John B. Hazzard against the State, which was read and referred to the committee on accounts.

Mr Lane, from the committee on accounts, to which was referred the account of M. D. Thompson, late quarter master general, reported that said account ought not to be allowed, and ask leave to be discharged from the further consideration thereof. Mr Grigsby moved that the report lie on the table, which was carried.

Mr Maudis from the committee on roads bridges and ferries, to which was referred the bill entitled an act to amend the laws now in force concerning the establishing of ferries, reported the same with sundry amendments, which were concurred in. The bill was then ordered to be engrossed for a third reading to morrow.

Mr Coleman, from the committee on the State Capitol, to which was referred the bill entitled an act making appropriations to pay the balance of the amount to which the commissioners of the State Capitol were authorized by law to contract, and for which there has been no appropriation, reported the same without amendment, the bill was then ordered to be engrossed for a third reading on to-morrow.

Mr Acklen made the following report: The committee on enrolled bills have examined and found correctly enrolled a bill to be entitled an act to authorize William Johnson, sen. to make titles to lots sold by the commissioners of the town of Pickens, in Pickens county, which originated in this House.

Mr Bates presented the account of John F. Everett and others, which was read and referred to the committee on accounts, to consider and report thereon.

Mr Lane, from the committee on accounts, to which was referred the account of Samuel Haskins, sheriff of Lauderdale county, reported that said account is not authenticated according to law, and ought not to be allowed; and ask leave to be discharged from the further consideration thereof. Mr Craig moved that the report lie on the table, which was carried.

Mr Byrnes presented the memorial of a committee of the hook and ladder company of the city of Mobile, praying that said company may be continued, which was read, and referred to a select committee consisting of messrs Byrnes, Bates, and Nims to consider and report thereon.

Mr Taylor made the following report: The committee on military affairs, to whom was referred the annual return of the quarter master general, have had the same under consideration, and have also examined the arsenal of the State, and have instructed me to report that the arms and accoutrements now in the arsenal, are in a good state of preservation, and that the arms reported in the return of the quarter master general are on hand. The committee are of opinion that the return is very defective, inasmuch as it does not shew how many stand of arms have been received from the General government, but only the amount receive-

ed by the present incumbent according to the statement of the quarter master general. The committee attach no blame to that officer, the deficiency of the return arising from the neglect of his predecessor, in not embracing in their annual report the arms received from the General Government, and the disposition made thereof. The committee are aware that there now are several pieces of field ordinance in possession of different corps, and which should have been accounted for by the quarter master general, and of which he gives no account. He alleges, that the Executive has never apprized him of there being such in possession of the government. The committee further state, that without they could know how many stand of arms &c. have been received from the General government, it is impossible they can tell whether the return is correct or not. The committee further represent, that the arms are at present in a very insecure situation, and liable to be (at any moment) used against the inhabitants of this part of the country. Your committee do, therefore, earnestly represent to the House, the great danger of permitting the public arms to remain in their present unprotected and exposed state. They would recommend, therefore, that application be made to have them kept in the United States' Arsenal, near Mobile, where they can be shipped with more convenience to any part of the State, as exigencies may require: or to have built a place of safe keeping, commensurate with the risk and danger to the people of this section of the country, and the general welfare of the State, or that the General Assembly have built near Mobile an arsenal for the safe keeping of the public arms received by this State from the General Government. Mr Taylor moved that the report lie on the table, which was carried.

Mr Forrest from the committee on roads, bridges and ferries, to whom was referred a resolution of this House instructing them to inquire into the expediency of so amending the road laws as to make it the duty of the commissioners court, or in the recess of the court, the judge of the county court upon the representation of three or more of the freeholders liable to work on any road to appoint a new overseer, when the incumbent shall have neglected his duty, or when he shall by death, removal or otherwise, have created a vacancy; and also instructing them to inquire into the expediency of increasing the penalties on apportioners and overseers of roads, and of adopting a more summary mode of proceeding against overseers and apportioners; reported, that in their opinion, there is no necessity of any Legislative enactments on the several subjects embraced in said resolution, and asked leave to be discharged from its further consideration. Mr Taylor moved to lay the report on the table, which was carried.

Mr Coleman from the committee on the State Capitol, to which was referred the memorial of Henry Sossaman, praying for relief, &c., reported a bill to be entitled, an act for the relief of Henry Sossaman, which was read a first time and ordered to a second reading on to-morrow.

Mr Morrisett from the select committee, to which was referred the bill to be entitled, an act to regulate appeals taken from the county to the circuit courts, reported the same with several amendments, which were concurred in; the bill was then ordered to be engrossed for a third reading on to-morrow.

On motion of Mr Pope, *Resolved*, that the judiciary committee be instructed to inquire into the expediency of so amending the law respecting the annual examination of the offices of the clerks of the circuit and county courts, that none but men of the legal profession shall be appointed for

that purpose, and that they shall be allowed by the proper authority a reasonable compensation for their services, that they shall report according to the laws now in force prescribing the clerk's duties, with a statement of all unlawful fees, and the parties from whom those fees were collected, that the said report shall be immediately recorded after sworn to and certified, and subject to the inspection of every citizen in the State of Alabama at any time, and the clerk shall be bound to exhibit the same when called for without compensation, that a heavy fine shall be imposed upon the judges of the respective courts, for failure to make the appointment once in every year.

Mr Conner asked for leave until to-morrow to make report on the bill allowing compensation to B. M. Bradford, &c., which was granted.

Mr Fearn obtained leave to introduce a bill to be entitled, an act to amend an act entitled an act incorporating the town of Huntsville, passed the 9th January, 1829, which was read a first time and ordered to a second reading to-morrow.

On motion of Mr Fitts, *Resolved*, that the judiciary committee be instructed to inquire into the expediency of allowing sheriffs compensation for collecting executions from the supreme court for costs.

The engrossed bill entitled, an act making an appropriation for the payment of the members and officers of the present General Assembly, was read a third time and passed; *Ordered*, that the title be as aforesaid: *Ordered* that the same be sent to the Senate for their concurrence.

A message was received from the Senate by George Washington Gayle; Mr Speaker: The Senate have adopted the following resolution, in which they desire your concurrence: *Resolved*, that the joint committee appointed by both Houses, to examine into and report to both Houses of this General Assembly, the votes given for and against the amendment to the constitution, providing for the alteration of the time the judges shall continue in office, with the concurrence of the House of Representatives be dissolved, and that each House obtain through their own committee the information required of the joint committee on that subject.

A message was received from the Governor by Capt. Abbott; Mr Speaker: I am instructed by the Governor to inform your honorable body, that he has approved and signed the following bills, viz: on the 17th inst. an act to alter the times of holding the county courts of Jefferson county; on the 19th inst., an act to amend an act passed the 13th day of January, 1826, entitled, an act to establish a permanent road from Florence in the county of Lauderdale, to Athens in the county of Limestone; on the same day, an act to increase the pay and the more effectually to provide for the payment of jurors for the county of Montgomery; also, a joint resolution to authorize the building committee to procure the necessary furniture for the executive rooms in the State Capitol, all of which originated in the House of Representatives.

On motion of Mr Baker, the House again resolved itself into a committee of the whole House on the bill entitled, an act to change and designate the boundaries of certain counties therein named; Mr Bibb in the chair, and after some time spent in the consideration of the same. the committee rose, Mr Speaker resumed the chair and Mr Chairman reported the bill without amendment. Mr Young then moved that the further consideration of the bill be postponed till the first Monday in August next, which was carried. Yeas 37—Nays 30.

The yeas and nays being desired, those who voted in the affirmative are messrs Baker Barclay Bibb Bradford Brodnax Brown Clark Cole Conner Cook Craig Curtis Dennis Durrett Fearn Fitts Flournoy Forrest Goldthwaite Green Horton

Hudson Jackson Massey McEldery Metcalfe Moore Morphree Oliver Philpott Pope Rather Ship Smith Ward Weissinger and Young.—37

Those who voted in the negative are messrs Speaker Acklen Banks Bates Byrnes Coleman Coopwood Dale Ellis Grigsby Hays Hodges Jones King Lane Lawler Ligon mardis mead mims Parsons Penn Richardson Robinson Ross Roulston Russell Taylor Van Dyke and Williams.—30.

Ordered, that Mr Hester have leave of absence until Monday next; *Ordered*, that Mr Van Dyke have leave of absence until Monday next.

And then the House adjourned till to-morrow at half past 9 o'clock, A.M.

Tuesday, December 22d, 1829.

The House met pursuant to adjournment.

A message from the Senate by George Washington Gayle; Mr Speaker: The Senate has read three several times and passed a bill entitled, an act to appoint commissioners to mark out a road through that part of Pike county, now occupied by the Creek Indians, and for other purposes, and joint resolutions instructing our Senators and requesting our Representatives in Congress to ask the consent of Congress to lay a tonnage duty for the term of five years, for the support of a harbor master for the port of Mobile; in which they desire the concurrence of your honorable body. They have also read three times and passed a bill entitled, an act to authorize the administrators of the estate of Thomas C. Bradford late of St Clair county, deceased, to sell the real estate which belonged to said decedent, which originated in the House of Representatives.

Mr Goldthwaite presented an abstract of surveys from the register's office at Cahawba, which was read and referred to the committee on county boundaries.

Mr Clark from the select committee, to which was referred the petition of sundry inhabitants of Bibb county, praying that William B. Norris be authorized to build a mill at Woodruff's Shoals on Cahawba river, in Bibb county, reported a bill to be entitled, an act to authorize William B. Norris to erect a mill on Cahawba river, which was read a first time and ordered to a second reading to-morrow.

Mr Grigsby called up the account of Mathew D. Thomason, which was referred to a select committee consisting of messrs Moore, Ligon, Goldthwaite, Coleman and Grigsby.

Mr Goldthwaite called up the account of William Y. Higgins, which was referred to a select committee consisting of messrs Moore, Ligon, Goldthwaite, Coleman and Grigsby. Mr Moore called up the accounts of William Howson, which was referred to the same committee. Mr Coleman called up the account of Aaron Reddus, which was referred to the same committee. Mr Ligon called up the account of John Grigg, which was referred to the same committee.

Mr Taylor presented a communication relating to the conduct of the State Architect. Mr Lawler moved that the communication lie on the table which was carried.

Mr Pope obtained leave to introduce a bill to be entitled, an act to alter and amend a certain act therein named, which was read a first time. Mr Fearn moved that the bill lie on the table, which was carried.

Mr Conner from the committee on ways and means to which was referred the bill entitled, an act to prevent the further retailing of ardent spirits reported a substitute in lieu thereof. Mr Rather moved to amend the first section of the bill by striking out the words "fifty dollars," which was carried. Mr Clark moved to amend the 1st section by adding a proviso at the end thereof. Mr Flournoy moved that the bill be indefinitely postponed, which was lost, the question was again on Mr Clark's amend-

ment and carried. Mr Baker moved to fill the blank in the 1st section with the words "seventy-five dollars," which was lost. Yeas 15—Nays 54.

The yeas and nays being desired, those who voted in the affirmative are Messrs Speaker, Baker, Banks, Bibb, Coopwood, Fitts, Grigsby, Hodges, Mardis, Mims, Oliver, Penn, Richardson, Roysdon and Weissinger—15.

Those who voted in the negative are Messrs Acklen, Barclay, Bates, Bradford, Brodnax, Brown, Byrnes, Clark, Cole, Coleman, Conner, Cook, Craig, Curtis, Dennis, Darrett, Ellis, Fearn, Flournoy, Forrest, Goldthwaite, Green, Hays, Horton, Hudson, Jackson, Jones, King, Lane, Lawler, Ligon, Massey, McEldery, Mead, Metcalfe, Mobley, Moore, Morrisett, Murphree, Parsons, Philpott, Pope, Rather, Robinson, Ross, Roalston, Russell, Ship, Smith, Taylor, Vandyke, Ward, Williams and Young—54.

Mr Fearn moved to fill the blank with the words "forty-five," which was lost. Yeas 22—Nays 48.

The yeas and nays being desired, those who voted in the affirmative are Messrs Speaker, Banks, Bibb, Cole, Coleman, Coopwood, Curtis, Fearn, Fitts, Grigsby, Hodges, Lawler, Mardis, Mims, Morrisett, Oliver, Parsons, Penn, Richardson, Roysdon, Weissinger and Young—22.

Those who voted in the negative are Messrs Acklen, Baker, Barclay, Bates, Bradford, Brodnax, Brown, Byrnes, Clark, Conner, Cook, Craig, Dale, Dennis, Darrett, Ellis, Flournoy, Forrest, Goldthwaite, Green, Hays, Horton, Hudson, Jackson, Jones, King, Lane, Ligon, Massey, McEldery, Mead, Metcalfe, Mobley, Moore, Murphree, Philpott, Pope, Rather, Robinson, Ross, Roalston, Russell, Ship, Smith, Taylor, Van Dyke, Ward and Williams—48.

A message from the Senate by Mr Lyon; Mr Speaker: The Senate have read three several times and passed bills which originated in their House entitled an act to define the prison bounds of the several counties of this State; an act to authorize Thomas McDonald to collect toll on a bridge across the Conecuh river, and an act for the relief of Samuel M. Watson, of Henry county, in which they desire your concurrence. They have also passed bills which originated in the House of Representatives, entitled, an act making an appropriation for the payment of the members and officers of the present General Assembly, and an act to legalize the rites of matrimony between Gabriel Butler and Mary Litterell, of the county of Lauderdale, and State of Alabama and to render legitimate their children.

Mr Fearn made the following report: The joint committee elected to investigate the conduct of the late land commissioners, have according to order been for some time engaged therein and have instructed me to report the following resolution: *Resolved*, that this committee report to the two Houses of the Legislature, that it will not be practicable for the committee to close their examination and make report, so as to afford time for legislation, should any be esteemed necessary, before the period appointed by law for re-opening the land office. They therefore respectfully suggest the propriety of continuing the office closed, until the end of the present session, which measure need not in the end prejudice the occupants, as their time of entry would be prolonged of course accordingly. The same committee reported a bill to be entitled, an act further to close the land office, which was read a first time. Mr Coleman moved that the further consideration of the bill be postponed till the first Monday in August next, which was carried. Yeas 53—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are Messrs Speaker, Baker, Banks, Barclay, Bibb, Bradford, Brodnax, Byrnes, Clark, Cole, Coleman, Coopwood, Craig, Curtis, Dale, Dennis, Darrett, Ellis, Flournoy, Goldthwaite, Greene, Grigsby, Hays, Hodges, Horton, Hudson, Jackson, Jones, Lane, Lawler, Ligon, Mardis, McEldery, Metcalfe, Mobley, Morrisett, Murphree, Oliver, Philpott, Pope, Rather, Richardson, Robinson, Ross, Roysdon, Russell, Ship, Smith, Van Dyke, Ward, Weissinger, Williams and Young.

Those who voted in the negative are Messrs Acklen, Brown, Fearn, Forrest, King, Mead, Moore, Parsons, Penn, Roulston and Taylor.

Mr Brodnax made the following report: The committee on enrolled bills have examined and found correctly enrolled, a bill entitled, an act to authorize the administrators of the estate of Thomas C. Bradford, late of St Clair county, deceased, to sell the real estate which belonged to said decedent.

A message from the Senate by George Washington Gayle; Mr Speaker: The Senate have read three seversl times and passed a bill entitled, an act to authorize the register of the land office at Courtland to correct certain errors in the return of the land commissioners, in which they desire your concurrence

On motion of mr Mardis, *Resolved*, that that the committee on inland navigation be instructed to inquire into the expediency of appointing one or more engineers to examine into the practicability and expense of removing the obstructions, so as to admit of safe navigation for boats of any size, from the lowest obstructions in the Coosa river to the ten islands in said river, and also into the propriety of appropriating a sufficient amount of the three per cent fund of this State to defray the expenses incident upon such examination, and that said committee report by bill or otherwise.

Mr Flournoy obtained leave to introduce a bill to be entitled, an act further to provide for the location of the seat of justice in Pickens county, which was read a first time and ordered to a second reading to-morrow.

Ordered, That mr Ship have leave of absence till Monday next.

Mr Greene obtained leave to introduce a bill to be entitled, an act to repeal in part a certain act therein named, which was read a first time and ordered to a second reading to-morrow.

Mr Mobley obtained leave to introduce a bill to be entitled, an act to repeal in part an act entitled an act to repeal an act, approved, January 12th, 1828, which was read a first time and ordered to a second reading to-morrow.

Mr Craig called up the account of Samuel Haskins, which was referred to a select committee consisting of messrs Moore, Ligon, Goldthwaite, Coleman and Grigsby. And then the House adjourned till 10 o'clock to-morrow, A. M.

Wednesday, Dec. 23d, 1829.—The House met pursuant to adjournment.

Mr Brodnax made the following report: The committee on enrolled bills have examined and found correctly enrolled a bill entitled, an act making an appropriation for the payment of the members and officers of the present General Assembly.

Mr Speaker laid before the House the following communication:

STATE CAPITOL, DECEMBER 23, 1829.

Sir: I respectfully ask of the honorable body over which you preside, that a full investigation may be made of any charges which may be preferred against me, and of all my conduct and proceedings as superintendent of public buildings. Very respectfully, sir, your obedient servant,

WM. NICHOLS, State Architect.

HON. JOHN GAYLE, Speaker of the House of Representatives.

Mr Lawler moved that the communication lie on the table, which was carried.

Mr Craig presented the petition of sundry inhabitants of Lauderdale county praying to continue an election precinct therein named, which was read and referred to the committee on privileges and elections.

Mr McEldery presented the account of William I. Gilbert, which was read and referred to the committee on accounts.

Mr Clark presented the petition of Elenor Cates, praying to be exonerated from the payment of a certain sum of money therein named, which was read and referred to the committee on propositions and grievances.

Mr Coleman presented the petition of William E. Phillips and Calvin I. King, relative to certain lands therein mentioned, which was read and referred to the committee on lands appropriated for internal improvement.

Mr Flournoy presented the account of Thomas Davis, late sheriff of Pickens county, which was read and referred to the committee on accounts.

Mr Bates presented the account of T. Sanford, which was read and referred to the committee on accounts.

Mr Roysdon presented the petition of sundry inhabitants of Marion county, praying the passage of a law to establish the lines between Fayette and Marion counties, which was read and referred to the committee on county boundaries.

Mr Clark made the following report: The committee on accounts to which was referred the accounts of Samuel G. Swift, surviving partner of the late firm of Jackson and Swift, of Mobile, for supplies for the State on account of the reception of Gen. La Fayette, have according to order had said account under consideration and have instructed me to ask leave to be discharged from the further consideration of said account, and said committee recommend that said account be referred to the committee on propositions and grievances, the committee discharged; the account was accordingly referred to the committee on propositions and grievances.

Mr Hudson from the committee on propositions and grievances, to which was referred the petition of J. G. Lyon, asking compensation for extra services performed by him as clerk of the circuit court of Mobile county, reported, that the services rendered are not chargeable on the State, and ask leave to be discharged from the further consideration of the subject, which was granted.

Mr Taylor made the following report: The committee on military affairs to whom was referred a communication from the Secretary of State and the accompanying documents on the subject of a contested election for major general of the 4th division of the militia of this State, have according to order had the same under consideration and directed me to report that it appears satisfactorily to your committee, that a court martial consisting of thirteen members, did in pursuance of executive order, dated 18th December, 1828, convene in Claiborne on the 9th February, 1829, for the purpose of determining a contested election; the officers of that court lived at a great distance from Claiborne, and although at great inconvenience and consequent expense to themselves, a number sufficient to constitute a court did convene and continue their sittings for several days, without being able to effect the object of their meeting, in consequence of the neglect of the proper officer to furnish the court with the grounds of contest. It appears from an executive order, bearing date, November 18th, 1828, addressed to the adjutant general, that that officer did perform his duty, by detailing the court, but that there was not furnished to that officer any grounds of contest by the executive. Your committee further state, it is in evidence before the committee, that immediately after the adjournment of the court, the president thereof preferred charges against the adjutant general forwarded to the executive and the arrest of that officer earnestly requested for neglect of duty; that the executive did not nor never has caused him to be arrested; your committee

would further state, that they acquit the adjutant general of any criminal neglect, because he strictly obeyed his orders, and because the paper or grounds of contest, properly belonged to the executive office and should have accompanied his orders to the adjutant general; your committee further state, that in consequence of the failure to determine the contested election, there is no major general in command of the 4th division, and therefore no annual report of the strength and condition of that division, by which the State will lose a considerable part of the arms and accoutrements to which she would otherwise be entitled to receive from the government of the United States. Mr Taylor moved that the report lie on the table, which was carried.

Mr McElderry from the committee on accounts to which was referred the account of John S. Edwards sheriff of St Clair county, reported that said account is not chargeable on the State. Mr Massey moved that the report lie on the table, which was carried.

Mr Acklen made the following report: The committee on enrolled bills have examined and found correctly enrolled, a bill entitled, an act to legalize the rites of matrimony between Gabriel Butler and Mary Littell, of the county of Lauderdale and State of Alabama, and render legitimate their children, which originated in this House.

Mr Conner from the select committee to which was referred the bill entitled, an act for the payment of Benjamin M. Bradford and Jack Shackelford, for stationary, printing and other expenses incurred in the land office at Courtland, reported a substitute in lieu thereof, which was adopted. The bill was then ordered to be engrossed for a third reading tomorrow.

On motion of Mr Bibb, *Ordered*, that messrs Conner and Roysdon have leave of absence till Monday next, *Ordered*, that Mr Cole have leave of absence till Monday next.

Mr Coopwood made the following report: The committee appointed on the part of this House, to act jointly with the committee on the part of the Senate, in examining the returns of the different sheriffs having the number of votes in their respective counties for and against the proposed amendment of the constitution, limiting the tenure by which judges hold their offices, to six years, have discharged that duty, and respectfully submit the following report: That in counting the votes in the return made by the sheriffs of the several counties in the State, they find for the amendment 23199 votes, 6925 against it, 1466 silent, which last mentioned number added to the votes against the amendment will be 8491, which when deducted from the votes for the amendment leaves a majority for the amendment of 14708 votes, we find also the returns made in pursuance of law, and that the resolutions were published three months before the last August election, according to the requisitions of the constitution, from all of which your committee respectfully recommend the ratification of the proposed amendment to the constitution, limiting the tenure by which judges hold their offices, to six years. Mr Clark moved that the report lie on the table, which was carried.

The House resumed the consideration of the bill entitled, an act to prevent the further retailing of ardent spirits. Mr Bibb moved to fill the blank in the first section of the bill, with the word "forty" which was lost. Yeas 26—Nays 41.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker Baker Banks Bibb Brodnax Cole Coleman Coopwood Curtis Fearn Green Grigby Hodges Lawler Mardis Sims Morrisett Oliver Parsons Penn Pope Richardson Roysdon Taylor Weissinger and Young.

Those who voted in the negative are messrs Acklen Barclay Bates Bradford Brown Byrnes Clark Conner Cook Craig Dale Dennis Derrett Ellis Elumroy Forrest Goldthwaite Hays Horton Hudson Jackson Jones King Lane Massey McElderry Mead Metcalfe Mobley Moore Murphree Philpott Rather Robinson Ross Reelston Russell Smith Van Dyke Ward and Williams.

Mr Baker moved to amend the bill by adding thereto an additional section. Mr Mardis moved that the bill together with the amendment be referred to a select committee, which was carried: whereupon messrs Mardis, Coopwood and Baker, were appointed said committee.

The bill entitled an act to alter the time of holding the circuit courts in the counties of Lime-stone and Lawrence counties, was read a second time and referred to the judiciary committee.

Mr Clark obtained leave to introduce a bill to be entitled, an act to dispense with the farther services of the State Architect, which was read a first time and ordered to a second reading on to-morrow.

Mr Ellis obtained leave to introduce a bill to be entitled, an act to change the time of holding the fall term of the circuit courts in the 7th judicial circuit, which was read a first time and ordered to a second reading to-morrow.

Mr Acklen obtained leave to introduce a bill to be entitled, an act to annex an additional county to the fifth judicial circuit, and regulate the time of holding courts in said circuit, which was read a first time and ordered to a second reading to-morrow.

Mr Baker obtained leave to introduce a bill to be entitled, an act to increase the capital of the Bank of the State of Alabama, which was read a first time and ordered to a second reading to-morrow.

On motion of mr Moore, *Resolved*, that the judiciary committee be instructed to inquire into the expediency of so amending the laws now in force, as to compel sheriffs and other officers who may collect money belonging to the Bank of the State of Alabama, to make immediate payment of the same into the State Bank.

Mr Taylor obtained leave to introduce a bill to be entitled, an act better to secure the safe keeping of the public arms, which was read a first time and ordered to a second reading to-morrow.

On motion of mr Murphree, *Resolved* that the committee on the judiciary be instructed to inquire if any, and what amendments are necessary to the existing statutes in relation to the issuance of marriage license.

On motion of mr Flournoy, *Resolved*, that the military committee be instructed to inquire into the expediency of requiring or permitting by law, one volunteer light infantry company to each battallion of the militia of this State.

Mr Mobley presented the memorial of Morgan Carleton, of Clarke county, praying amendments to the militia laws of this State, which was read and referred to the military committee.

The House then proceeded to the orders of the day. The bill entitled an act to authorize a partial failure of consideration to be plead at law, was read a second time, and ordered to be engrossed for a third reading to-morrow. The bill entitled an act to amend an act entitled an act to incorporate the Spring Creek navigation company, passed the 24th day of December 1824, was read a second time, and referred to the judiciary committee; Mr Acklen's motion.

A message from the Governor, by James I. Thorton:

December 23, 1829.

Mr Speaker: I am instructed by the Governor to inform you: honorable body, that he did this day approve and sign the following bills: An

act making an appropriation for the payment of the members and officers of the present General Assembly : an act to authorize William Johnson, sen. to make titles to lots sold by the commissioners of the town of Pickens, in Pickens county : An act to alter the name of Lazarus Maddux, to that of Leigh Maddux : and on the 22nd inst. an act to authorize the administrators of the estate of Thomas C. Bradford, late of St. Clair county, dec. to sell the real estate which belonged to said decedent. All of which originated in the House of Representatives.

Mr Clarke moved to postpone indefinitely the resolution from the Senate, proposing a dissolution of the joint committee appointed to examine and count the votes given for and against the amendment to the constitution, providing for the alteration of the time the judges shall continue in office, which was carried.

Bills from the Senate of the following titles, viz: An act for the relief of Samuel N. Watson, of Henry county : an act to define the prison bounds of the several counties of this State ; an act to appoint commissioners to mark out a road through that part of Pike county now occupied by the Creek Indians, and for other purposes ; an act to authorize Thomas M'Donald to collect toll on a bridge across the Conecuh river ; joint resolution instructing our Senators and Representatives in Congress to lay a tonnage duty for the term of five years, for the support of an harbor master for the port of Mobile ; an act to authorize the register of the land office at Courtland to correct certain errors in the return of the land commissioners ; an act to establish the permanent seat of justice in Dale county ; an act to authorize Sarah Edwards to sell a certain town lot therein mentioned ; an act to change the name of Henry Dudley ; an act to exempt garnishees from the payment of costs in certain cases ; joint resolution proposing amendments to the constitution of the State of Alabama, so as to limit the tenure of the judges offices to six years ; joint resolution instructing the comptroller of public accounts not to institute suit against the securities of Benjamin Baldwin ; an act to extend the powers of the county court of Dallas county, in relation to roads ; an act for the relief of Jane Funn ; an act to authorize notaries public of the several counties of this State to take acknowledgements or proof of deeds and relinquishments of dower ; joint resolution instructing our members in Congress to oppose all measures to renew the charter of the Bank of the United States : an act explanatory of the laws on the subject of solicitor's fees in suits in chancery ; an act more effectually to secure trials in capital cases by impartial jurors ; an act to repeal in part an act entitled act regulating judicial proceedings in certain cases, passed the 18th December, 1844, and for other purposes ; an act to authorize the trustees of the university of the State of Alabama to reduce the price of the unsold university lands in this State, and an act to change the mode of paying jurors in certain counties therein mentioned, were severally read a first time, and ordered to a second reading to-morrow.

A message from the Senate, by Geo. Washington Gayle. Mr Speaker, The Senate have concurred in a resolution from the House of Representatives proposing that the joint committee elected to examine into the situation and management of the State Bank, the Senate concurring therein, be required to ascertain and report to the two Houses of the General Assembly, with as little delay as practicable, what amount of bills of exchange have been discounted, and what amount of damages has been received upon bills of exchange, which have not been punctually paid during each year since the establishment of the bank. They have also passed

bills of the following titles, to wit: an act to establish the permanent seat of justice in Dale county: an act to authorize Sarah Edwards to sell a certain town lot therein mentioned; and an act to change the name of Henry Dudley, in which they desire the concurrence of your honorable body. They have also passed a joint resolution instructing the comptroller of public accounts not to institute suit against the securities of Benjamin Baldwin: they have also read three several times ratified and passed a joint resolution proposing amendments to the constitution of the State of Alabama, so as to limit the tenure of the judges offices to six years, in both of which resolutions they desire your concurrence. They have also passed a bill entitled an act to exempt garnishees from the payment of costs in certain cases, in which they desire your concurrence.

The engrossed bill entitled an act making appropriations for the payment of certain claims against the State of Alabama, was referred to the judiciary committee, with instructions to report thereon to-morrow.

The engrossed joint resolution asking the establishment of a land office in Bellefonte being under consideration, Mr Moore moved that the House disagree to the amendment made by the Senate, by striking out the proviso, which was lost. Yeas 28—Nays 33.

The yeas and nays being desired, those who voted in the affirmative are messrs Acklen Banks, Bates Bibb Coleman Curtis Dale Fearn Forrest Green Grigsby Hays King Lane Lawler McElderry Mead Mobley Moore Morphree Oliver Penn Philpott Rather Robinson Ross Taylor and Young.

Those who voted in the negative are messrs Speaker Baker Barclay Bradford Brodnax Brown Byrnes Clark Coopwood Craig Dennis Darrett Ellis Flournoy Goldthwaite Hodges Horton Hudson Jackson Ligon Mardis Massey Merculife Pope Richardson Roulston Roysdon Russell Smith Ward Weissinger and Williams.

Ordered, that the House concur in said amendments.

Mr Pope called up the bill entitled an act to alter and amend a certain act therein named, which was placed among the orders of the day, and then the House adjourned to half past 9, to-morrow, A. M.

Thursday, December 24, 1829.

The House met pursuant to adjournment.

Mr Speaker laid before the House the account of the Rev. James Hiltouse, which was read and referred to the committee on accounts to consider and report thereon.

Mr Fearn presented the petition of John Robinson, a free man of color, praying the passage of a law to emancipate a certain slave therein named, which was read and referred to the committee on the state of the republic.

Mr Forrest presented the petition of sundry inhabitants of Jefferson county, praying a division of the university fund, which was read and referred to a select committee consisting of messrs Forrest, Coleman and Goldthwaite, to consider and report thereon.

Mr Coopwood presented sundry documents relating to the account of John Grigg, which was read and referred to the same committee to which the account is referred.

Mr Byrnes presented the petition of sundry inhabitants of Mobile county, praying the passage of a law to establish a certain road therein mentioned; which was read and referred to the committee on roads, bridges, and ferries.

Mr Dennis presented the petition of Nathaneil Clark, praying the passage of a law to emancipate certain slaves therein named, which was read and referred to the committee on propositions and grievances, to consider and report thereon.

Mr Rather presented the account of Charles Lewin, which was read and referred to the committee on accounts.

Mr Byrnes presented the record and proceedings of the circuit court of Mobile county, in the case of Leger Borel, against Theresa Borel, for divorce, which was read and referred to the committee on divorce and alimony.

Mr Parsons made the following report: The judiciary committee to whom was referred the bill to appropriate certain monies for the compensation of M. Bude and Henry Minor, Esq. with instructions to report to the House this morning; report, they have according to order had the subject under consideration, and that according to the act of 1827, page 9, the decisions were to be reported as the supreme court should direct and that the compensation was to be an annual sum of five hundred dollars, and that fifteen copies were to be deposited in the Secretary of State's office, which has been done of the decisions ordered to be reported, and that the said Henry Minor for his first volume of reports, is legally, in the opinion of your committee, entitled to the sum of \$500. one year's salary. That the fault, if any, but they perceive none, was in the direction of the judges of said court. Your committee request the act to be considered as a part of this report, and, therefore, recommend a non-concurrence with the amendment of the Senate. Your committee presumes Mr Speaker to be in possession of the facts as far as the judges were concerned in directing the manner of reporting said decisions.

(Signed,)

E. PARSONS, *Chairman.*

Mr Bibb who voted in the majority on the reference to the judiciary committee, moved to re-consider the vote, which was carried. Mr Bibb moved that the House disagree to the amendment made by the Senate to the bill, which was carried. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Goldthwaite, from the committee on the state of the republic, to which was referred a resolution instructing them to draft a memorial praying a relinquishment of claim to certain lands, for the purposes of establishing primary schools in the several counties of this State, reported a memorial on that subject. Mr Baker moved that it lie on the table, which was lost; it was adopted.

Mr Rather made the following report: The committee on propositions and grievances, to whom was again referred the petition of sundry citizens of Bibb county, praying that the court house in said county may be located at or within one mile of the centre of said county, have again according to order had said petition under consideration, and respectfully report, that the petitioners for said location, are in number three hundred and seventy six, and that there are in the possession of the committee on county boundaries, petitions from said county containing four hundred and seventy nine names, which petitions were laid before your committee; said four hundred and seventy-nine pray, that said county seat may remain at its present location, which location was under an act of the Legislature of 1827, by a vote of the people of said county. Your committee, therefore, is of opinion that the county seat of said county ought to remain at its present location, and that it is inexpedient to legislate further on the subject; in which report the House concurred.

The Yeas and nays being desired, those who voted in the affirmative are messrs Speaker Acklen Baker Barclay Bates Bibb Bradford Brown Byrnes Clark Coleman Coopwood Craig Curtis Dale Darrett Ellis Fearn Forrest Green Hays Hudson Jackson King Lane Massey McElerry Mead Mims Moore Morrisett Morphree Oliver Parsons Penn Philpott Pope Rather Roulston Russell Smith Ward Weissinger Williams and Young—45.

Those who voted in the negative are messrs Banks Brodnax Dennis Grigsby Jones Lawler Murdis Metcalfe Robinson Ross and Taylor—11.

Mr Bibb moved that Mr Fitts have leave of absence till Monday next, which was granted. *Ordered*, that messrs Richardson and Clark have leave of absence until Monday next.

Mr Weissinger, from the committee on propositions and grievances, to which was referred the petition of Samuel Martin, reported that it is

inexpedient to legislate on the subject, and ask leave to be discharged from the further consideration thereof, which was granted.

Mr Young from the committee on accounts, to which was referred so much of the Governor's message as relates to the settlement of accounts between this State and the State of Mississippi, reported that they have no data of any kind whatsoever upon which to act, and ask leave to be discharged from the further consideration of the subject, which was granted.

Mr Clark made the following report: The select committee appointed to examine the office of the comptroller up to the expiration of the service of the late comptroller, have according to order proceeded upon the duties assigned them, and report that said office has not been examined since the organization of the government, (ten years,) the committee, therefore, found it would be impossible for them to wade through the mass of vouchers, and books in that office, during the present session of the legislature. They, therefore, took up the transactions of the last year, and found the books and statements correct, and in accordance with the last annual report, of that office, and from the examination given that office, your committee feel well assured, that every thing appertaining to the same will be found correct. They would recommend to the legislature the propriety of an annual examination of the office, inasmuch as it is alike due to that officer and the people we represent. The committee ask leave to be discharged from the further consideration of said office.

(Signed,)

J. B. CLARK, *Chairman.*

The committee were discharged.

Mr Taylor presented sundry documents relating to the State Architect, which were read and laid on the table.

Mr Coopwood obtained leave to introduce a bill to be entitled an act to provide for the payment of the commissioners, a balance due for their services in selecting and valuing the lands granted to this State for internal improvement, which was read a first time, and ordered to a second reading on to-morrow.

On motion of Mr Moore: *Resolved*, That the State Bible Society be permitted to hold their annual session in this hall this evening, at 6 o'clock, and the Temperance Society be permitted to hold their session to-morrow evening at 6 o'clock.

On motion of Mr Hudson: *Resolved*, That the door keeper be authorized to purchase a lock for the use of the clerk's room in the Capitol.

On motion of Mr Green: *Resolved*, That the judiciary committee be instructed to inquire into the expediency of repealing part of the 4th and 5th sections, of an act entitled an act for the suppression of vice and immorality, passed March 12, 1803, with leave to report by bill or otherwise.

Mr Acklen obtained leave to introduce a bill to be entitled an act to amend the third section of an act passed the 29th day of January, 1829, entitled an act to prevent extortion by public officers, and for other purposes, which was read a first time, and ordered to a second reading to-morrow.

Mr Bates, from the select committee to which was referred a resolution instructing them to inquire into the expediency of memorializing the Congress of the United States concerning the public works on Dauphin Island, reported a memorial concerning fortifications on Dauphin Island; which was adopted by the House. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Acklen, from the judiciary committee to which was referred a resolution instructing them to inquire into the expediency of allowing sheriffs compensation for collecting executions from the supreme court for costs, reported that it is inexpedient to legislate further upon the subject of al-

lowing compensation to the sheriffs for such services. Mr Acklen moved that the report lie on the table, which was carried.

On motion of Mr Goldshwaite: *Resolved*. That the Secretary of State be required to furnish this House with an abstract of the census of the Creek Indians within the limits of this State, so far as the same shall have been returned to his office.

Mr Bates obtained leave to introduce a bill to be entitled an act to repeal in part an act entitled an act to raise a revenue for the support of government until otherwise altered by law, so far as the same relates to tax on cattle, approved 13th January, 1827, which was read a first time, and ordered to a second reading to-morrow.

Mr Lawler called up the resolution from the senate proposing an adjournment of the General Assembly, on the 24th inst. (*to day*.) Mr Lawler moved to amend the resolution by striking out 24th, with a view to insert the 16th January next. Mr Mead moved to lay the resolution on the table till the 16th January next which was lost. Mr Coopwood moved that the further consideration of the resolution be postponed till 11th January next, which was carried.

The bill entitled an act to appoint canal commissioners for the improvement of the navigation of the Tennessee river and for other purposes, being under consideration, Mr Coopwood moved that the bill be referred to a committee of the whole House on Monday next, which was carried.

The bill entitled an act to incorporate Marion academy in Perry county, was read a second time, and ordered to be engrossed for a third reading on to-morrow.

Mr Brodnax made the following report: The committee on enrolled bills have examined and found correctly enrolled bills of the following titles, to wit: An act to authorize John A. Chapman, Simeon Chapman, Daniel Welch, and their associates, to turnpike a certain road therein named; joint resolution asking the establishment of a land office in Bellefonte; an act concerning the dismissal of suits at common law: an act to repeal in part and amend an act entitled an act to establish and improve a certain road therein mentioned approved January 13, 1829; an act to change the mode of compensating jurors in the county of Pike, and a joint memorial asking a donation of land to connect by canal the waters of the Tennessee and Coosa rivers; all of which originated in this House.

Bills from the Senate of the following titles, to wit: joint resolution proposing amendments to the constitution of the State of Alabama, so as to have biennial sessions of the General Assembly thereof; an act to extend the time for final settlement of the accounts of the tax collector of Morgan county; an act to amend an act entitled an act to incorporate Valley Creek Academy, in the county of Dallas; an act to fix the time of convening the General Assembly of the State of Alabama; an act to repeal an act concerning roads, highways, bridges, and ferries, in the county of Mobile, approved, December 24, 1824; an act to amend an act for the government of the port and harbor of Mobile, passed December 23, 1822; an act for the relief of Martha Williams, and for other purposes; an act to amend an act entitled an act to authorize the sales of sixteenth sections, and for other purposes, approved January 15, 1828; an act to authorize the inhabitants of township two, range one, east, in Madison county, to hold an election for the purpose of ascertaining the wishes of said inhabitants, in regard to selling the sixteenth section, and for other purposes: memorial to the Congress of the United States,

to procure the establishment of a land-office at Monticello, in Pike county, Alabama; an act to authorize Sarah Cade, executrix of Drury B. Cade, deceased, to sell and transfer certain real estate, and an act regulating the duties of county treasurers, were severally read a first time, and ordered to a second reading to morrow.

The bill from the Senate entitled an act supplemental to an act, passed the 14th December, 1827, prescribing the mode of contesting elections, was read a first time: and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and referred to the committee on privileges and elections.

The bill entitled an act further to provide for the location of the seat of justice in Pickens county, was read a second time, and referred to the committee on county boundaries to consider and report thereon.

The engrossed bill entitled an act amendatory of the laws of this State, on the subject of confining prisoners committed upon process from the courts of the United States, was read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The bill entitled an act supplemental to the act establishing the Bank of the State of Alabama, and to regulate damages in transactions and operations of said Bank, being on its second reading: Mr Clark moved that the further consideration of the bill be postponed until the first Monday in August next, which was carried.

The bill entitled an act to attach a part of the counties of Clark and Wilcox to the county of Monroe, and for other purposes, being under consideration: Mr Mobley moved that the bill lie on the table till Tuesday next, and he made the special order of the day, which was carried. Mr Mobley, who voted in the majority in the vote just given, moved to reconsider that vote, which was carried. Mr Parsons then moved that the bill be made the order of the day for Tuesday next, which was carried.

The engrossed bill entitled an act to regulate proceedings in certain actions of detinue, was read a third time. Mr Coopwood moved that the bill lie on the table till Saturday next, which was lost. And the question being put, "shall this bill pass?" it was determined in the affirmative. Yeas 38—Nays 23.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker, Acklen, Baker, Banks, Bates, Bibb, Brodnax, Byrnes, Coleman, Cook, Curtis, Dennis, Fearn, Flournoy, Forrest, Goldthwaite, Green, Grigsby, Jackson, Lane, Lawler, Mardis, Massey, McElderry, Mead, Mims, Moore, Morrisett, Murphree, Oliver, Parsons, Penn, Philpott, Pope, Rather, Robinson, Williams and Young.

Those who voted in the negative are messrs Barclay, Bradford, Brown, Clark, Coopwood, Craig, Dale, Durrett, Ellis, Hays, Hodges, Horton, Hudson, Jones, King, Metcalfe, Mobley, Roulston, Russell, Smith, Taylor, Ward, and Weissinger.

Ordered, That the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

It being 20 minutes past 1 o'clock, P. M. Mr Baker moved that the House adjourn till Saturday next, at 10 o'clock, A. M. which was lost.—

The yeas and nays being desired, those who voted in the affirmative are Messrs Speaker, Acklen, Baker, Banks, Bates, Brodnax, Byrnes, Clark, Coleman, Craig, Curtis, Dale, Flournoy, Forrest, Horton, Lane, Mims, Mobley, Penn, Philpott, Pope, Rather, and Young—23.

Those who voted in the negative are Messrs Barclay, Bibb, Bradford, Brown, Cook, Coopwood, Dennis, Durrett, Ellis, Fearn, Goldthwaite, Green, Grigsby, Hays, Hodges, Hudson, Jackson, Jones, King, Lawler, Mardis, Massey, McEl-

dery, Mead, Metcalfe, Moore, Morrisett, Morphree, Oliver, Parsons, Ross, Roulston, Russel, Smith, Taylor, Ward, Weissinger and Williams—38.

Mr Forrest moved that the House adjourn until Saturday next, nine o'clock, A. M. which was lost—Yeas 27—Nays 34.

The yeas and nays being desired, those who voted in the affirmative are Messrs Speaker, Acklen, Baker, Banks, Bates, Brodnax, Brown, Byrnes, Clark, Coleman, Craig, Curtis, Dale, Fearn, Flournoy, Forrest, Grigsby, Horton, Lane, Mardis, Mims, Mobley, Penn, Philpott, Pope, Rather, Robinson, Ross, and Young.

Those who voted in the negative are Messrs Barclay, Bibb, Bradford, Brown, Cook, Coopwood, Dennis, Durrett, Ellis, Goldthwaite, Green, Hays, Hodges, Hudson, Jackson, Jones, King, Lawler, Massey, McEldery, Mead, Metcalfe, Moore, Morrisett, Murphree, Oliver, Parsons, Roulston, Russell, Smith, Taylor, Ward, Weissinger and Williams.

Mr Bates moved that the House adjourn until Saturday next, at half past 8 o'clock, which was lost. Yeas 23—Nays 38.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker Acklen Baker Banks Bates Brodnax Byrnes Clark Coleman Dale Fearn Flournoy Forrest Horton Lane mardis mims Mobley Penn Pope Rather Robinson and Young.

Those who voted in the negative are messrs Barclay Bibb Bradford Brown Cook Coopwood Craig Dennis Durrett Ellis Goldthwaite Green Grigsby Hays Hodges Hudson Jackson Jones King Lawler Massey McElderry Mead metcalfe moore morrisett murphree Oliver Parsons Philpott Ross Roulston Russell Smith Taylor Ward Weissinger and Williams.

Mr Baker moved that the House adjourn until one quarter before 9 o'clock, A. M. on Saturday next, which was lost. Yeas 23—Nays 34.

The yeas and nays being desired, those who voted in the affirmative are Messrs Speaker, Acklen, Baker, Banks, Bates, Brodnax, Byrnes, Coleman, Craig, Dale, Flournoy, Forrest, Hodges, Horton, King, Lane, Mims, Mobley, Penn, Rather, Robinson, and Young.

Those who voted in the negative are Messrs Barclay, Bibb, Bradford, Brown, Cook, Coopwood, Dennis, Durrett, Ellis, Goldthwaite, Greene, Grigsby, Hays, Hudson, Jackson, Jones, Lawler, Mardis, Massey, McEldery, Mead, Metcalfe, Moore, Morrisett, Murphree, Oliver, Philpott, Ross, Russell, Smith, Taylor, Ward, Weissinger, and Williams.

Mr Bibb moved that the House adjourn until half past 9 o'clock, to-morrow, A. M. which was lost. Yeas 25—Nays 36.

The yeas and nays being desired, those who voted in the affirmative are messrs Barclay Bibb Bradford Brodnax Brown Coleman Cook Coopwood Durrett Flournoy Hays Hodges Hudson Lawler mardis massey McElderry metcalfe Morrisett murphree Oliver Ross Ward Weissinger and Williams.

Those who voted in the negative are messrs Speaker Acklen Baker Banks Bates Byrnes Clark Craig Dale Dennis Ellis Fearn Forrest Goldthwaite Green Grigsby Horton Jackson Jones King Lane mead mims mobley moore Parsons Penn Philpott Pope Rather Robinson Roulston Russell Smith Taylor and Young.

Mr Mobley moved that the House adjourn until Saturday 10 o'clock, A. M. which was carried. Yeas 31—Nays 30.

The Yeas and nays being desired, those who voted in the affirmative are messrs Speaker Acklen Banks Baker Bates Bibb Bradford Brodnax Byrnes Clark Coleman Craig Dale Fearn Flournoy Forrest Grigsby Hodges Horton Lane mims mobley Penn Philpott Pope Rather Robinson Ross Russell Ward and Young.

Those who voted in the negative are messrs Barclay Brown Cook Coopwood Dennis Durrett Ellis Goldthwaite Green Hays Hudson Jackson Jones King Lawler mardis Massey McElderry mead metcalfe moore morrisett murphree Oliver Parsons Roulston Smith Taylor Weissinger and Williams.

And then the House adjourned until Saturday next, at 10 o'clock A. M.

Saturday, December 26, 1829.

The House met pursuant to adjournment.

Mr Ligon presented the petition of sundry inhabitants of Walker county, praying an alteration in the boundary line of said county, which was read and referred to the committee on county boundaries to consider and report thereon.

Mr Bates presented the account of the Sheriff of Mobile county, which was read and referred to the committee on accounts, to consider and report thereon.

Mr Ligon presented the memorial of James A. Trice, praying the passage of a law declaratory of the intention of the last General Assembly, and for the correction of such errors on the part of the land commissioners, as tend to the injury of any individual, which was read. Mr Coopwood moved that the memorial lie on the table, which was carried.

Mr Ellis from the Judiciary committee to which was referred a resolution instructing them to inquire what amendments, if any, are necessary to the laws of this State regulating marriages, reported a bill to be entitled an act amendatory of an act entitled an act regulating the solemnization of marriages, passed January 5, 1805; which was read a first time, and ordered to a second reading on Monday next.

Mr Ross, from the select committee to which was referred the petition of sundry inhabitants of the 13th township, range No 9, reported that the object of the petitioners is fully embraced in a bill which is now before the House and ask leave to be discharged from the further consideration thereof, which was granted.

Mr Bradford called up the account of the sheriff of St. Clair county, which was, on motion of Mr Bradford, referred to the committee on propositions and grievances, to consider and report thereon.

William H. Jack, a representative from the county of Tuscaloosa, appeared, was qualified and took his seat.

The engrossed bill from the Senate, entitled an act to authorize the register of the land office at Courtland, to correct certain errors in the return of the land commissioners, was read a second time. Mr Moore moved to amend the bill by adding thereto an additional section. Mr Coopwood moved that the amendment lie on the table, which was carried.

The yeas and nays being desired, those who voted in the affirmative are messrs Baker Barclay Bates Brodnax Byrnes Coleman Coopwood Craig Curtis Dennis Durrett Ellis Flournoy Goldthwaite Grigsby Hodges Horton Hudson Jones Lane Ligon Massey Mead Metcalfe Morrisett Pope Robinson Ross Roulston Russell Smith Taylor and Williams—33.

Those who voted in the negative are messrs Speaker Acklen Banks Bradford Cook Dale Fearn Forrest Green Jackson King Mardis McElderry Mims Mobley Moore Murphree Oliver Parsons Penn Philpott Rather Ward Weissinger and Young—25.

Mr McElderry moved to amend the bill by adding thereto an additional section. Mr Coopwood moved that the amendment lie on the table, which was carried. Yeas 43—Nays 17.

The yeas and nays being desired, those who voted in the affirmative are Messrs Barclay Bates Bibb Bradford Brown Brodnax Byrnes Coleman Cook Coopwood Craig Curtis Dennis Durrett Ellis Flournoy Forrest Grigsby Hodges Horton Hudson Jackson Jones King Lane Ligon Mardis Massey Mead Metcalfe Moore Morrisett Murphree Pope Robinson Ross Roulston Russell Smith Taylor Ward Weissinger Williams and Young.

Those who voted in the negative are messrs Speaker Acklen Baker Banks Dale Fearn Goldthwaite Green Hays Jack McElderry Mobley Oliver Parsons Penn Philpott and Rather.

And the rule requiring bills to be read on three several days being dispensed with, it was then read a third time forthwith and passed; *Ordered*, that the title be as aforesaid; *Ordered*, that the clerk acquaint the Senate therewith.

Mr Speaker laid before the House, a communication from the secretary of State, containing an abstract of the census of the Creek Indians, within the limits of this State. Mr Goldthwaite moved that the communication lie on the table, which was carried. Mr Fearn moved that one hundred copies thereof be printed for the use of the House, which was carried.

Mr Mobley offered the following: *Resolved*, that a select committee be appointed to inquire into the expediency of memorializing the Congress of the United States, to allow to the trustees of the Franklin academy of Clarke county, and the trustees of the Claiborne academy of Monroe county, the privilege, severally, of entering four quarter sections of any unsold or relinquished lands, lying within their respective counties, at the minimum price of the General Government, for the purpose of erecting suitable buildings for the female departments of said institutions. Mr Coopwood moved to amend the resolution by adding the words Goulton academy, in the county of Lawrence, which was carried. Mr Taylor moved to amend it by adding Valley creek academy, in the county of Dallas, which was carried. Mr Mobley moved to lay it on the table, which was carried.

Ordered, that mr Lawler have leave of absence until Tuesday next.

And then the House adjourned till Monday morning at 10 o'clock, A.M.

Monday, December 28th, 1829.

The House met pursuant to adjournment.

Mr Brodnax presented the petition of the master and wardens of Autauga lodge No. 30, praying the passage of a law to authorize the drawing of a lottery for the benefit of said lodge, which was read and referred to a select committee consisting of messrs Brodnax, Taylor and Goldthwaite, to consider and report thereon.

Mr Taylor presented the letter of John Shields, on the subject of roads, which was read and referred to the committee on roads, bridges and ferries.

The resolution of mr Parsons, proposing the appointment of a committee to examine the business before the House being under consideration, mr Forrest moved that the further consideration thereof be postponed until the 10th day of January next, which was carried.

Mr Mardis from the select committee to which was referred, the bill entitled, an act to prevent the further retailing of ardent spirits, reported a substitute in lieu thereof. Mr Mardis moved that the further consideration of the bill be postponed until to-morrow, which was carried.

Mr Pope offered the following: *Resolved*, that the protest entered upon the journals of this House by the minority, expressing their reasons for opposing the passage of a law authorizing the closing of the land office, shall appear upon the printed journals, only in its corrected form, which was adopted.

Mr Taylor presented the annual return of the adjutant and inspector general, which was read and referred to the military committee.

Mr Coopwood offered the following by way of an amendment to the journal of Saturday last, viz: mr Ligon presented the memorial of James A. Price, of Lawrence county, praying the passage of a law to correct a decision of the late land commissioners, between him and Samuel Erwin and others, if any, which was lost.

Mr Acklen presented the memorial of sundry citizens of the town of Huntsville, praying that a slave therein named be emancipated, which was read and referred to the committee on the state of the republic.

Mr Coopwood moved to spread on the journals of the House, the memorial of James A. Trice, which was lost.

Mr Jack presented the petition of the Warrior Guards, of the city of Tuscaloosa, praying the passage of a law to exempt them from attending regimental and battalion parades, which was read and referred to the military committee to consider and report thereon.

Mr Mobley obtained leave to introduce a bill to be entitled, an act to change the time of holding the county court of Clarke county, which was read a first time and ordered to a second reading on to-morrow.

Mr Moore obtained leave to introduce a bill to be entitled, an act to explain an act entitled an act to enable the State of Alabama to sell and dispose of certain lands therein named, in regard to discounts for prompt payment, which was read and ordered to a second reading to-morrow.

Mr Ellis obtained leave to introduce a bill to be entitled, an act limiting the process of justices of the peace in civil cases, which was read and ordered to a second reading to-morrow.

The House then resolved itself into committee of the whole House on the bill entitled, an act to appoint canal commissioners for the improvement of the navigation of the Tennessee river and for other purposes; Mr Moore in the chair, and after some time spent in the consideration of the same, the committee rose, Mr Chairman reported progress and leave was asked to sit again on Monday next, which was granted.

And then the House adjourned to 3 o'clock this evening.

Evening Session, 3 o'clock.—The House met pursuant to adjournment.

Mr Byrnes obtained leave to introduce a bill to be entitled, an act granting James Livingston the exclusive right of running a row boat or sail boat for the transportation of passengers between the city of Mobile and the village of Belle Rose or White Bluff, in Baldwin county, which was read a first time and ordered to a second reading to-morrow.

Mr Moore presented a communication from Henry King, in relation to the conduct of the land commissioners, which was read and referred to the joint committee appointed to examine into the conduct of said commissioners.

On motion of Mr Van Dyke, *Resolved*, that a select committee be appointed to inquire into the expediency of re-adopting the joint remonstrance on the subject of instructions lately given from the treasury department, relative to the funds receivable for public lands, approved, January 15th, 1828, or so much thereof as is applicable to the present condition of our people, with leave to report by remonstrance or otherwise.

Mr Flournoy obtained leave to introduce a joint resolution, to procure a topographic survey, by the engineers of the United States, of a route for a canal to unite the waters of the Tennessee and Tombecbe rivers so far as to ascertain the practicability of such a work, which was adopted.

Mr Mobley called up the resolution proposing the appointment of a committee to inquire into the expediency of memorializing Congress to allow to the trustees of the Franklin academy of Clarke county, and the trustees of the Claiborne academy in Monroe county, to enter certain lands therein mentioned. Mr Williams moved to amend the resolution by adding, Sims' female academy, which was carried. Mr Bibb moved to add Athens academy, which was carried. Mr Hays moved to amend it by adding the words Greensborough female academy, which was carried.

Mr Young moved to amend it by adding the words Marion academy, which was carried. Mr Baker moved to amend it by adding Milton academy, which was carried. The resolution as amended was then adopted; whereupon messrs Mobley, Coopwood, Taylor, Bibb, Hays, Williams, Young and Baker were appointed said committee.

Mr Craig from the committee on the State Bank, to which was referred a resolution instructing them to inquire into the expediency of increasing the capital stock of the Bank of the State of Alabama, reported a bill to be entitled, an act to increase the capital of the Bank of the State of Alabama, which was read and ordered to a second reading to-morrow.

Mr Taylor offered the following: *Resolved*, that this House will not after Monday next, receive any new business. Mr Coopwood moved that the further consideration of the resolution be postponed till Saturday next, which was carried.

The House then proceeded to the orders of the day. A joint resolution in relation to the Cherokee boundary was adopted. The bill entitled, an act to amend and alter the patrol laws of this State was read a second time. Mr Coopwood moved that the bill lie on the table, which was carried.

The bill entitled, an act to repeal an act entitled an act to amend an act entitled an act concerning roads, highways, bridges and ferries in the county of Mobile, passed December 26th, 1826, being under consideration, Mr Taylor moved that the further consideration of the bill be postponed till the 1st day of March next, which was carried.

The engrossed bill entitled, an act to provide for drawing and compensating jurors to attend on the county courts of Franklin, Morgan and Lawrence counties and for other purposes, was read a third time and passed; *Ordered*, that the title be as aforesaid; *Ordered*, that the same be sent to the Senate for their concurrence.

The bill entitled, an act for the relief of Bartholomew Gates, late jailor of Franklin county, was read a second time and ordered to be engrossed for a third reading to-morrow.

The engrossed bill entitled, an act to establish a turnpike road therein mentioned, was read a third time. Mr Moore moved that the further consideration of the bill be postponed till to-morrow, which was carried.

The bill entitled, an act for the compensation of Aaron Reddus, jailor of Limestone county, was read a second time and referred to the select committee to which sundry other accounts were referred. Mr Parsons moved that the account of Campbell Sharp, be referred to the same committee, which was carried.

The bill entitled, an act to permit John Lindsay, to have registered a deed therein named, was read a second time. Mr Ellis moved to amend the bill by a proviso, which was carried. It was then ordered to be engrossed for a third reading to-morrow.

The bill entitled, an act authorizing the school commissioners of section 16, township 17, and range 20, to hold an election and for other purposes, was read a second time and referred to a select committee consisting of messrs Coopwood, Fearn and Goldthwaite.

The bill entitled, an act to authorize the county court of Butler county to cause certain records therein named to be transcribed, was read a second time. Mr Flournoy moved to amend the bill by inserting the word "Pickens" after the word "Butler," which was carried. Mr Mardis moved to insert the word "Shelby," which was carried. Mr Brodnax moved to insert "Autauga," which was carried. The bill was then ordered to be engrossed for a third reading to-morrow.

The resolution instructing our Senators and requesting our Representatives in Congress to use their best endeavors to procure the passage of a law, removing the land office from the town of Huntsville to some more central point in the Huntsville land district being under consideration, Mr Moore moved that the further consideration of the resolution be postponed till the 1st day of March next, which was carried. Yeas 36—Nays 30.

The yeas and nays being desired, those who voted in the affirmative are Messrs Acklen, Banks, Barlow, Bates, Bibb, Bradford, Brodnax, Brown, Byrnes, Cole, Coleman, Curtis, Egan, Forrest, Green, Jackson, Jack, King, Lane, Lawler, Mardis, Massey, McElderry, Mead, Moore, Murphy, Oliver, Parsons, Penn, Philpott, Pope, Rather, Robinson, Roulston, Taylor and Young.

Those who voted in the negative are Messrs Speaker, Baker, Clark, Copwood, Craig, Dale, Dennis, Durrett, Ellis, Flournoy, Goldthwaite, Grigsby, Hous, Holmes, Horton, Hulsm, Jones, Metcalfe, Mills, Mobley, Richardson, Ross, Roydon, Russell, Ship, Smith, Van Dyke, Wood, Wessinger, and Williams.

And then the House adjourned till to-morrow at 10 o'clock.

Tuesday, December 29th, 1829.

The House met pursuant to a adjournment.

Mr Williams presented the petition of sundry inhabitants of Shelby county, praying the passage of a law to authorize Isaac A. Linden, to establish a ferry over the Coosa river in said county, on the State road leading from Tuscaloosa, crossing at Kimulga, leading to Georgia, which was read and referred to the committee on roads, bridges and ferries, to consider and report thereon.

Mr Parsons from the judiciary committee to which was referred a resolution instructing them to inquire whether the estates of females require any and if any, what security by law, reported a bill to be entitled, an act more effectually to secure the estates of females, which was read a first time and ordered to be read a second time on Saturday next. Mr Philpott moved that one hundred copies thereof be printed for the use of the House, which was carried.

Mr Morrisett from the judiciary committee to which was referred the bill from the Senate, entitled, an act to authorize the courts of this State to render judgements final against the security of non residents, reported a substitute in lieu thereof, which was adopted.

Mr Craig from the committee on the State Bank, to which was referred sundry resolutions upon the subject of branching or establishing offices of discount and deposits from said Bank, reported a bill to be entitled, an act to establish in the county of ——— in the Tennessee valley, a Branch Bank, which was read and ordered to a second reading to-morrow.

A message from the Senate by G. W. Gayle; mr Speaker: The Senate have read three several times and passed bills of the following titles, to wit: An act for the relief of Joseph Steele, tax collector of Mobile county; an act better to provide for the erection of the university buildings and for other purposes, in which they desire your concurrence: they have also passed a joint memorial to the Congress of the United States, praying a postponement of the sales of the public lands in the county of Jackson, which originated in the House of Representatives: bills from the Senate of the following titles to wit: an act for the relief of Joseph Steele tax collector of Mobile county; an act better to provide for the erection of the University buildings and for other purposes, were severally read a first time and ordered to a second reading to-morrow.

Mr Bates obtained leave to introduce a bill to be entitled, an act to provide compensation to the clerk of the circuit court of Mobile county,

for certain extra services, which was read a first time and ordered to a second reading to-morrow.

On motion of mr Hodges, *Resolved*, that the judiciary committee be instructed to inquire into the expediency of so amending the laws of this State, relative to the sale of lands under writs of fieri facias, as to reserve one third part of said lands for the use of the wife.

On motion of mr Acklen, *Resolved*, that the committee on accounts be instructed to report to this House a bill revising and reducing into one all the acts in relation to accounts and claims against the State, plainly stating in what form accounts shall be made out and certified before the same shall be allowed.

Mr Pope offered the following, *Resolved*, that a joint committee be appointed on the part of this House, for the purpose of memorializing Congress upon the subject of the public lands that have been recently advertised by the President of the United States for sale. Mr Baker moved to amend the resolution by striking out all after the word "resolved," with a view to insert the following: that a select committee be appointed to draft and report to this House, a bill for the disposition by the State, of all the waste unappropriated lands within the same, and that they report a memorial of remonstrance to the Congress of the United States, protesting against the claim asserted by them to the waste lands within this State, and embody in said memorial, a petition that the lands in this State, at present advertised for sale, be postponed until a final adjustment between the government and the State, in respect to the soil, takes place, and that they draft a separate resolution requesting the Governor of this State to convene the Legislature in the month of ———, unless the sale of the lands be postponed. Mr Baker moved that the further consideration of the resolution be postponed till to-morrow, which was carried.

Mr Mardis obtained leave to introduce a bill to be entitled, an act to establish the county of ——— which was read and ordered to a second reading on Monday next.

Mr Clark obtained leave to introduce a bill to be entitled, an act to empower the commissioners of the permanent seat of justice of Bibb county, to keep a county ferry upon Cahawba river, which was read and ordered to a second reading to-morrow.

On motion of mr Fearn, *Resolved*, that the committee upon the state of the republic be instructed to inquire into the expediency of memorializing Congress, to permit the inhabitants of townships in which the 16th sections may be barren and worthless, to select other unsold and unappropriated public lands in lieu thereof.

A message was received from the Governor by James I. Thornton, which is as follows:

EXECUTIVE DEPARTMENT. Dec. 29th, 1829.

The Hon. Speaker and Members of the House of Representatives;

I herewith transmit to your honorable body the annual report of the Adjutant General, exhibiting the strength and condition of the militia, accompanied by an appropriate communication from that officer setting forth substantial defects in the militia laws, the failure of certain general officers to comply with important objects of their duty, &c. Among many ill consequences resulting from these irregularities, is the serious loss the state has sustained, in the great deduction of her just proportion of the quota of arms, provided for her militia by an act of the Congress of the United States. That many defects exist in our militia laws, which deserve your attention will not be doubted; a few of the most prominent only, has been

sought to be pointed out by this communication. Among the remedies which may present themselves, as being well calculated to render our militia more effectual, I would respectfully recommend amendments as being the most desirable, which promise to prove best calculated to insure punctuality in those officers, whose duty it may be to make returns of the military strength, and condition of the militia; for, I regret to say, as the system is conducted at present, we subject our citizens to all the expense and taxation connected with a laborious militia system, without deriving any important benefit from it. I am clearly of opinion, company musters may with great propriety be dispensed with, whether the alternative be resorted to, recommended by the Adjutant General or not, being well convinced they afford no equivalent for the time and money sacrificed in their attendance. Should no important modification be made in the militia system, I would in that event most respectfully recommend for your consideration, the propriety of an increase of the salary of the Adjutant General; to me it is obvious that the present salary allowed that officer is, not only inadequate for the services required, but greatly disproportioned to the salaries given other important state officers.

The accompanying address subscribed by sundry citizens of respectability in the southern part of this state, constituted a committee for the purpose, you will be pleased to receive as the foundation of the following communication.

In submitting to the sensibility and wisdom of the General Assembly, the subject embraced by this address, viz: the case of the sufferers by depredations of the Indians during the late war; I feel confident the subject will excite the lively sympathy and the most vigorous exertions to procure redress. The painful circumstances of that eventful period are too well known to call for a recital. Instigated by an infuriated spirit of blind and infatuated superstition, the first impulse of which was given by a distinguished northern savage, that part of the Creek nation of Indians generally known as the war party, in the years 1812-13, poured down on the weak settlements of the Tombeckbe and Alabama, then only a handful, and whilst the population of the country was enclosed for security in forts and block houses, the latter destroyed or carried off the property of the whites of every description.

Fatal experience to a number of our citizens has sufficiently established the fact, that the depredations of the savages were as wanton as their attempt at the extirpation of the white population, was unfeeling and sanguinary. That the war party of the Creek Indians were the aggressors in this case, is sufficiently established. Indeed the part taken by the balance of the nation, in assisting to arrest and punish them, the circumstance of the Big Warrior having ordered the great chief prophet Tecumseh out of the counsel house at Tokebache, and forbidding his talks, circumstances generally known and forming part of the history of the day, settles this fact.

That restitution and satisfaction would have been demanded and enforced by the competent authority, had the case been reversed, stands without doubt. It appears then that the laws of reciprocal justice demand that the whites who have been damaged by the wanton depredation of the savages, should have remuneration, and that this should be secured to them by that authority which claims to itself "to provide for the general defence, and has reserved to itself the regulation of all intercourse with the Indian tribes." It is a subject of notoriety that many of those citizens, perhaps the mass of them, have not recovered yet from the consequence of that distressing period, when not only all they had amassed by a laudable industry whilst enduring

the privations attendant on the first settlement of a new country, but in addition, the lives of wives, husbands, infants and friends were sacrificed to glut savage ferocity, which at Fort Mims, and other places seemed to be without bounds.

Justice to those citizens seems to call for their case being spread before the General Government, by the Representatives of the people, as the protection of the people in the peaceable and secure possession of the result of honest industry, is undoubtedly one of the legitimate ends of a wise and good government. It will not be forgotten that in a similar case, a neighboring state obtained and secured for its injured citizens (if not an atonement,) considerable remuneration for injuries committed by the same tribe of Indians.

I would respectfully recommend to the consideration of the General Assembly the propriety of adopting the measures necessary to realize, in behalf of the state, the liberal subscription and obligations entered into by the corporation of this village, its citizens, and those of its vicinity, with a view to influence the desirable result now consummated in the permanent establishment of the government at this place.—All which are most respectfully submitted for your serious consideration and deliberation.

GABRIEL MOORE.

On motion of Mr Forrest, *Resolved*, that so much of said message as relates to the militia laws of this State, together with the accompanying communication from the adjutant general, be referred to the military committee.

On motion of Mr Fearn, *Resolved*, that so much of his Excellency's message and the accompanying documents, as relates to the spoliation committed by the Creek Indians, during the last war, be referred to the joint committee raised for that purpose.

On motion of Mr Penn, *Resolved*, that so much of his Excellency's message as recommends the adoption of measures to enforce the collection of subscriptions made to the State by the citizens of this place and its vicinity to insure the removal of the seat of government from Cahawba, be referred to the judiciary committee.

Mr Pope, who voted in the majority on postponing until to-morrow the resolution introduced this day, by himself, and the amendment thereto by Mr Baker, moved to re-consider the vote, which was carried, the resolution was then referred to the committee on the state of the republic.

Mr Jack obtained leave to introduce a bill to be entitled, an act to authorize the judge of the county court and the commissioners of revenue and roads, of Tuscaloosa county, to contract for the erecting and completing a jail in said county, which was read and ordered to a second reading to-morrow.

On motion of Mr Taylor, *Resolved*, that the Secretary of State be instructed to report to this House, the number of corps or troops of cavalry, companies of artillery, light infantry, and riflemen, designating particularly in what brigades such corps or companies are located, and in what counties.

The engrossed bill entitled, an act to establish a turnpike road therein mentioned being under consideration, Mr Moore moved to amend the bill by way of engrossed riders, which were adopted. The bill was then passed. *Ordered*, that the title be as aforesaid: *Ordered*, that the same be sent to the Senate for their concurrence.

A message from the Senate by George W. Gayle; Mr Speaker: the Senate have adopted the following resolution in which they request the concurrence of your honorable body, to wit: *Resolved*, with the concur-

rence of the House of Representatives, that the rules of both branches of the Legislature be so altered, that when a bill is read the first time in the House in which it originated, it shall forthwith be sent to the other House, and when read there the first time, and ordered to a second reading, it shall forthwith be sent back to the House in which it originated, and if read a second time and passed to a third reading, it shall be sent to the other House, and if read there a second time and passed to a third reading, it shall be sent back to the House in which it originated, where it shall be proper to order the bill to be engrossed and read a third time, and if read a third time and passed, it shall forthwith be sent to the other House for a third reading, and if there read a third time and passed, it shall be sent to the House where such bill may have originated, to be there enrolled. They have also read three several times and passed bills of the following titles, to wit: an act further to provide for the support of paupers in the counties of Lauderdale, Lawrence and Franklin; an act changing the time for holding of elections for county officers, &c. and an act to establish La Grange college, in which they also request your concurrence. They have receded from their amendment to a bill entitled, an act making appropriation for the payment of certain claims against the State of Alabama.

Bills from the Senate of the following titles, to wit: an act further to provide for the support of paupers in the counties of Lauderdale, Lawrence and Franklin; an act changing the time for the holding of elections for county officers, &c. and an act to establish La Grange college, were severally read a first time and ordered to a second reading to-morrow.

The bill entitled, an act to attach a part of the counties of Clarke and Wilcox to the county of Monroe and for other purposes being under consideration, Mr Mobley moved that the further consideration of the bill be postponed till the first day of May next, which was lost. Yeas 26—Nays 42.

The yeas and nays being desired, those who voted in the affirmative are Messrs Banks Bates Cook Coopwood Craig Goldthwaite Grigsby Hays Hodges Horton Hudson Jack Jones King Lane Ligon Metcalfe Mobley Philpott Rather Richardson Ross Roysdon Ship Taylor and Van Dyke.

Those who voted in the negative are messrs Speaker Acklen Baker Barclay Bibb Bradford Brodnax Brown Byrnes Clark Cole Curtis Dale Dennis Durrett Ellis Fearn Fitts Flournoy Forrest Green Jackson Lawler Mardis Massey McElderry Mims Moore Morrisett Murphree Oliver Parsons Penn Pope Robinson Roulston Russell Smith Ward Weissinger Williams and Young.

And then the House adjourned till 3 o'clock this evening.

At 3 o'clock the House met pursuant to adjournment.

The bill from the Senate, entitled, an act to authorize the courts of this State to render judgements final against the security of non residents, was read a third time and passed. *Ordered*, that the title be as aforesaid; *Ordered*, that the clerk acquaint the Senate therewith.

The House resumed the consideration of the bill entitled, an act to attach a part of the counties of Clarke and Wilcox to the county of Monroe and for other purposes. Mr Mobley moved to amend the bill by striking out all after the enacting clause, with a view to insert the following: that all that part of Clarke county lying east of the line of range four, in township six, including the settlement of Dale's ferry, also all that part of Clarke county lying east of the Choctaw creek, in township seven, in range five, to where said creek crosses the centre line of range five, in township seven, also all that part lying east of the Alabama river, be added to and compose a part of the county of Monroe. A division of the question being called for, the vote was first taken on striking out and carried. Yeas 34—Nays 32,

The yeas and nays being desired, those who voted in the affirmative are messrs Acklen Banks Bates Bibb Bradford Brown Coleman Cook Coopwood Craig Dennis Goldthwaite Hays Hodges Hudson Jack Jones King Lane Lawler Ligon Massey Metcalfe Mobley Penn Rather Richardson Ross Roysden Russell Ship Taylor Van Dyke and Ward.

Those who voted in the negative are messrs Baker Barclay Brodnax Byrnes Clark Cole Curtis Dale Durrett Ellis Fearn Flournoy Forrest Green Jackson Jorris McElderry Mead Miles Moore Morrisett Murphree Oliver Parsons Philpott Pope Robinson Roulston Smith Weissinger Williams and Young.

The question was then on filling the blank with mr Mobley's amendment and lost. Yeas 24—Nays 41.

The yeas and nays being desired, those who voted in the affirmative are messrs Banks Brown Cook Coopwood Goldthwaite Grigsby Hodges Hudson Jack Jones King Lawler Ligon Massey Metcalfe Mobley Penn Rather Ross Russell Ship Taylor and Van Dyke.

Those who voted in the negative are messrs Speaker Baker Barclay Bibb Bradford Brodnax Clark Cole Coleman Craig Curtis Dale Dennis Durrett Ellis Fearn Fitts Flournoy Forrest Green Hays Jackson Lane Jorris McElderry Mead Moore Morrisett Murphree Oliver Parsons Philpott Pope Robinson Roulston Roysden Smith Ward Weissinger Williams and Young.

Mr Mobley offered the following: that all that part of Clarke county, lying east of the eastern branch of Pigeon creek, including Robert Lee's settlement be and the same is hereby attached to and compose a part of the county of Monroe. The question then pending, mr Coopwood moved that the bill with the amendments be referred to a select committee, which was carried; whereupon messrs Parsons, Mobley and Bibb were appointed said committee.

Mr Flournoy moved to suspend the orders of the day with a view to call up the communication from the State Architect which was lost. The House then adjourned to half past 9 o'clock to-morrow, A. M.

Wednesday, December 30th, 1829.

The House met pursuant to adjournment.

Mr Speaker laid before the House a communication from the comptroller, relating to sales at auction, which was read. Mr Weissinger moved that said communication and accompanying document be referred to the committee on ways and means to consider and report thereon.

Mr Speaker also laid before the house a communication from Dr. Robert W. Withers, on the subject of agriculture &c. which was read. Mr Pope moved that the communication be referred to the committee on the state of the republic, which was carried.

Mr Young presented the account of the sheriff of Perry county, which was read and referred to the committee on accounts.

Mr Taylor presented the petition of sundry inhabitants of Dallas county, praying that the Alabama river be a dividing line, and that a new county be formed on the east, be bounded above by Swamp creek, below by Pine Barren, and on the east side by a line running with or near the range line, dividing ranges 14 and 15, which was read and referred to the committee on county boundaries.

Mr Fitts presented the petition of sundry inhabitants of Washington county praying the passage of a law to emancipate a certain slave therein named, which was read and referred to the committee on the state of the republic.

Mr Forrest presented the account of James Thompson, which was read and referred to the committee on accounts, to consider and report thereon.

Mr Craig presented the petition of sundry inhabitants of Lauderdale county, praying that the regimental musters be held as near as practica-

ble, in the centre of said county, which was read and referred to a select committee consisting of the representatives of said county.

Mr Pope, who voted in the majority on the motion to refer the resolution introduced by himself on yesterday, moved to reconsider that vote, which was carried.

Mr Forrest presented the account of Geo. Roberts and others, which was read and referred to the the committee on accounts to consider and report thereon.

Mr Coleman, from the judiciary committee, to which was referred the bill to be entitled an act to alter the time of holding the circuit courts in the counties of Limestone and Lawrence, reported the same with sundry amendments, which were concurred in. Mr Colman moved that the bill be considered as engrossed, and read a third time forthwith which was carried: and the rule requiring bills to be read on three several days being dispensed with, it was read a third time forthwith, and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Forrest, from the select committee appointed to investigate the official conduct of Patrick Scott, judge of the county court of Blount county, asked leave to report, that pursuant to the power vested in the said committee, they have proceeded to notify the said Patrick Scott of the charges exhibited against him, that they procured the attendance of several witnesses to establish the truth of said charges, and had made some progress in the investigation of the matter, when the said Patrick Scott, through your committee, forwarded to his excellency the Governor, his resignation of the said office of judge of the county court of Blount county, which has superseded the necessity of any further proceedings. Your committee, therefore, ask leave to be discharged from the further consideration of the subject, which was granted.

Mr Van Dyke, from the select committee to which was referred a resolution instructing them to inquire into the expediency of re-adopting the joint remonstrance, on the subject of instructions given from the treasury department of the United States, relative to the funds recievable for public lands, reported a joint remonstrance on the subject of instructions given from the treasury department, relative to the funds receivable for the public lands; which was read. Mr Bibb moved that the remonstrance lie on the table, which was carried.

Mr Bibb, from the select committee to which was referred the bill entitled an act to attach a part of the counties of Clark and Wilcox to the county of Monroe, and for other purposes, reported the same with sundry amendments, which were concurred in by the House. The bill was then ordered to be engrossed for a third reading to-morrow.

Mr Brodnax made the following report: The committee on enrolled bills have examined and found correctly enrolled the bill entitled an act making appropriations for the payment of certain claims against the State of Alabama, and joint memorial to the Congress of the United States, praying a postponement of the sales of the public lands in the county of Jackson.

Mr Banks, from the select committee to which was referred the petition of sundry citizens in township 20, range 4, west of Huntsville, praying for the relief of certain persons therein named, reported, that it is inexpedient to legislate on the subject, and ask leave to be discharged from the further consideration thereof which was granted.

Mr Mobley, from the select committee to which was referred a resolution instructing them to inquire into the expediency of memorializing the Congress of the United States, to allow to the trustees of the Frank-

lin academy in Clarke county, and other academies in this State, the privilege of entering four quarter sections of any unsold lands lying within their respective counties, at the minimum price of the General Government, for the benefit of the female department of said institutions, reported a memorial requesting a grant of land for certain female academies therein named. Mr Parsons moved that the memorial be referred to the committee on the state of the republic, with the following instructions: to prepare a suitable memorial, requesting of Congress a grant of one or two sections of land for the use of a female academy in each county of the State, and that said committee report to-morrow morning, which was carried.

Mr Moore, from the select committee to which was referred the account of Samuel Haskins, sheriff of Lauderdale county, reported that said account is chargeable upon the treasury, but is not authenticated as the law directs as to the amount of services rendered, and, therefore, ask leave to be discharged from the further consideration of said account. Mr Craig moved that the report lie on the table, which was carried.

Mr Moore, from the select committee to which was referred the account of Garret Fitzgerald, sheriff, reported that said account is not chargeable on the state treasury, and ask leave to be discharged from the further consideration of said account, which was granted.

Mr Taylor presented the petition of sundry inhabitants of Dallas county, praying the establishment of a county within the boundaries therein mentioned, which was read and referred to the committee on county boundaries, to consider and report thereon.

Mr Bates obtained leave to introduce a bill to be entitled an act to provide compensation to constables, for arresting deserted runaway seamen, which was read, and ordered to a second reading to-morrow.

Mr Hudson obtained leave to introduce a bill to be entitled an act to repeal an act entitled an act to incorporate the town of Russellville, in the State of Alabama, approved, January 11, 1829, which was read a first time, and ordered to a second reading on to-morrow.

On motion of Mr Pope: *Resolved*, That a select committee be instructed to draft a memorial to the Congress of the United States upon the subject of the public lands that have been recently advertised for sale by the President of the United States, and in said memorial to recommend discontinuance of the auction system, and urge the expediency of passing a law to authorize the occupant to enter his land at some equitable scale of graduated prices; whereupon messrs Pope, Bibb, Parsons, Young, and Baker were appointed said committee.

Mr Ligon, from the judiciary committee, to which was referred a resolution proposing amendments to the existing laws of this State, in relation to executors and administrators, together with two bills upon the same subject, the one entitled an act to authorize the orphan's court to sell the perishable property of infant legatees, &c. and the other entitled an act to give the decrees of the orphan's court on final settlements, the force and effects of judgements at law, reported the bills without amendment; and also reported a bill entitled an act supplementary to, and amendatory of the laws relating to executors and administrators, and for other purposes, which was read a first time and made the special order of the day for Tuesday next, for a second reading. *Ordered*, that one hundred copies be printed for the use of the House.

A message from the Senate, by G. W. Gayle. Mr Speaker: The Senate have adopted the following resolution, in which they request the concurrence of your honorable body: *Resolved*, that the joint examining com-

mittee of the State Bank, the two houses concurring therein, be instructed to call on the President and Directors of the Bank, to report to the two Houses the amount of money applied for from each county on special accommodation, the amount obtained thereon; the amount applied for on general accommodation, and the amount obtained thereon; the amount applied for on bills of exchange, and the amount obtained thereon, and at what time; in which resolution the House concurred.

Mr Adams obtained leave to introduce a bill to be entitled an act to revise and continue in force for three years an act for improving the road leading from Blakeley to the upper line of Baldwin county, by way of Durant's, passed the 6th of January 1827, which was read, and ordered to a second reading to-morrow.

Mr Byrnes obtained leave to introduce a bill to be entitled an act to authorize the mayor and aldermen of the city of Mobile to appoint an inspector of salt provisions for said city, to designate a suitable place for the deposit of ballast in the bay of Mobile, which was read, and ordered to a second reading to-morrow.

Mr Flournoy called up the communication from the State Architect. Mr Clarke moved that the further consideration of the communication be postponed to the first Monday in August next, which was lost.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker, Barclay, Brodus, Byrnes, Clark, Cole, Coleman, Craig, Curtis, Dennis, Durant, Ellis, Green, Hays, Horton, Hudson, Jackson, Jones, King, Lane, Lawler, McElberry, Morrisett, Ralier, Van Dyke, Ward, Weissinger, and Young—28.

Those who voted in the negative are messrs Acklen, Baker, Backs, Bates, Bibb, Bradford, Brown, Coopwood, Fearn, Fitts, Flournoy, Grigsby, Hodges, Jack, Ligon, Mardis, Missey, Mead, Metcalfe, Sims, Mobley, Moore, Murphree, Oliver, Parsons, Penn, Philpott, Pope, Richardson, Ross, Roulston, Roysdon, Russell, Ship, Smith, Taylor and Williams—37.

A message from the Governor, by James I. Thornton. Mr Speaker: The Governor did, on the 28th inst. approve and sign the following bills: An act to legalize the rites of matrimony between Gabriel Butler and Mary Little B. of the county of Lauderdale and State of Alabama, and render legitimate their children; an act concerning the dismissal of suits at common law: an act to repeal in part and amend an act entitled an act to establish and improve a certain road therein mentioned, approved, Jan. 13th, 1829; an act to change the mode of compensating jurors in the county of Pike: an act to authorize John A. Chapman, Simeon Chapman, Daniel Welch and their associates, to turnpike a certain road therein named; joint resolution asking the establishment of a land office in Bel-Fonte, and a joint memorial asking a donation of land to connect by canal the waters of the Ten-esse and Coosa rivers; all of which originated in the House of Representatives.

Mr Fearn offered the following: *Resolved*, That all the communications made to this House in relation to the misconduct of the Architect be transmitted to the commissioners for superintending the erection of the State Capitol, and that they be required to investigate the charges exhibited against said Architect, and for this purpose, they are hereby authorized to send for persons and papers, and that they report the result of their inquiry to this house. Mr Coopwood moved to strike out "commissioners for superintending the erection of the State Capitol," with a view to insert "committee on the State Capitol," which was lost. The resolution was then adopted.

The engrossed bill entitled an act making an appropriation to pay the balance of the amount, to which the commissioners of the State Capitol

were authorized by law to contract, and for which there has been no appropriation; was read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The bill entitled an act to amend the laws in relation to the retailing spirituous and fermentated liquors being under consideration, mr Brown moved that the further consideration of the bill be postponed until the first day of August next. And then the House adjourned till three o'clock, this evening.

At three o'clock the House met pursuant to adjournment.

The House resumed the consideration of the bill entitled an act to amend the laws in relation to the retailing spirituous and fermentated liquors; and the question was on mr Brown's motion to postpone the further consideration of the bill till the first day of August next, which was carried.

The Yeas and nays being desired, those who voted in the affirmative are messrs Acklen Barclay Bates Bradford Brodnax Brown Byrnes Cole, Conner, Cook Craig Curtis Dale Durrett Hays Hudson Jackson Jones King Ligon Massey Mead Metcalfe Moore Morrisett Robinson Roulston Russell Ship Taylor Van Dyke, and Ward—32.

Those who voted in the negative are messrs Speaker Baker Bibb Coleman Dennis Fearn Green Grigsby Jack Lane Mardis McElderry Mims Mobley Murphy Oliver Parsons Philpott Pope Rather Richardson Ross Roysdon Weisinger Williams and Young—26.

The resolution from the Senate proposing an alteration of the rules of both branches of the legislature, being under consideration, mr Lawler moved to postpone the further consideration thereof till the first day of March next, which was carried.

The resolution from the Senate entitled joint resolution proposing amendments to the constitution of the State of Alabama, so as to limit the tenure of the judges' offices to six years, was read a second time, and referred to a select committee consisting of messrs Clark, Pope, and Coopwood.

The joint resolution proposing an amendment to the constitution so as to render the sheriff of the respective counties re-eligible, being under consideration, mr Jack moved that it be indefinitely postponed, which was carried.

A message from the Senate by G. W. Gayle; mr Speaker: The Senate have read three several times and passed a joint memorial to the Congress of the United States, praying a relinquishment of claim to certain lands for the purpose of establishing primary schools in the several counties of this State, which joint memorial originated in the House of Representatives: They have also read three several times and passed bills which originated in the Senate of the following titles, to wit: an act to incorporate the stockholders and the subscribers to the newly invented marine railway, in the city of Mobile, under the Roger's patent; and an act to repeal in part an act approved January 13, 1828, and for other purposes, in which they request your concurrence.

Joint memorial from the Senate, proposing amendments to the constitution of the State of Alabama, so as to have biennial sessions of the General Assembly thereof, being on its second reading: mr Williams moved to amend it by striking out the word "four," with the view to insert "two," in relation to the time which Senators shall serve in the General Assembly, which was lost. Yeas 21—Nays 48.

The yeas and nays being desired, those who voted in the affirmative are messrs Baker Banks Bates Brodnax Byrnes Clark Flournoy Forrest Jones Lawler McElderry Mead Mobley Parsons Philpott Rather Robinson Ross Roysdon Williams and Young.

Those who voted in the negative are messrs Speaker Acklen Barclay Bibb Bradford Brown Cole Coleman Conner Coopwood Craig Curtis Dale Dennis Dorrett Ellis Fearn Fitts Green Grigsby Hays Hodges Horton Hudson Jack Jackson King Lane Ligon Mardis Massey Metcalfe Mims Moore Morrisett Murphree Oliver Penn Pope Richardson Roulston Russell Ship Smith Taylor Van Dyke Ward and Weissinger.

Mr Baker moved that the further consideration of the resolution be postponed to the first day of June next, which was lost.

The yeas and nays being desired, those who voted in the affirmative are Messrs Baker, Banks, Clark, Conner, Dale, Ellis, Jack, Mobley, Oliver, Parsons, Robinson, and Williams.—12.

Those who voted in the negative are Messrs Speaker, Acklen, Barclay, Bates, Bibb, Bradford, Brodnax, Brown, Byrnes, Cole, Coleman, Coopwood, Craig, Curtis, Dennis, Durrett, Fearn, Fitts, Flournoy, Forrest, Green, Grigsby, Hays, Hodges, Horton, Hudson, Jackson, Jones, King, Lane, Lawler, Ligon, Mardis, Massey, McElderry, Mead, Metcalfe, Mims, Moore, Morrisett, Murphree, Penn, Philpott, Pope, Rather, Richardson, Ross, Roulston, Roysdon, Russell, Ship, Smith, Taylor, Van Dyke, Ward, Weissinger and Young.—57.

Mr Conner moved that the resolution be referred to the committee on the state of the republic, with instructions to report the day after to-morrow. Mr Clark moved that it lie on the table, and that 75 copies thereof be printed for the use of the House, which was lost. Mr Jack offered the following amendment: "and provided that the members of either House elected under this amendment, shall not receive more than three dollars per day for their services," which was lost. Yeas 24—Nays 45.

The yeas and nays being desired, those who voted in the affirmative are messrs Baker, Banks, Bates, Brodnax, Brown, Byrnes, Clark, Conner, Cook, Ellis, Fitts, Forrest, Hays, Horton, Jack, Jones, Lawler, McElderry, Mobley, Murphree, Oliver, Philpott, Ross, and Williams.

Those who voted in the negative are messrs Speaker, Acklen, Barclay, Bibb, Bradford, Cole, Coleman, Coopwood, Craig, Curtis, Dale, Dennis, Dorrett, Fearn, Flournoy, Green, Grigsby, Hodges, Hudson, Jackson, King, Lane, Ligon, Mardis, Massey, Metcalfe, Mims, Moore, Morrisett, Parsons, Penn, Pope, Rather, Richardson, Robinson, Roulston, Roysdon, Russell, Ship, Smith, Taylor, Van Dyke, Ward, Weissinger and Young.

Mr Jack moved that the resolution be referred to the judiciary committee with instructions to report to-morrow morning, which was lost. Mr Baker moved that the resolution lie on the table, which was lost. Mr Jack moved to amend it by striking out the words "sixty," to insert "forty," and "one hundred," to insert "seventy-five," which was lost. Mr Bibb moved that the resolution be referred to a select committee with instructions to report the day after to-morrow, which was carried; whereupon messrs Fearn, Bibb and Moore were appointed said committee. And then the House adjourned to to-morrow at 10 o'clock, A. M.

Thursday, December 31, 1829.

The House met pursuant to adjournment.

A Message from the Governor, by James I. Thornton.

EXECUTIVE DEPARTMENT, *December 31, 1829.*

The Honorable the Speaker and members of the House of Representatives.

Judge Scott having resigned his appointment, as judge of the county court of Blount county, it will be expedient that the General Assembly proceed to fill that vacancy. I have the honor to be, Sir, with high consideration, your obedient servant.

GABRIEL MOORE.

Ordered, that said communication lie on the table.

Mr Dennis presented the account of John Low, for taking census, &c. in Pike county, which was read and referred to the committee on accounts.

Mr Ligon, from the committee on the state of the republic, to which was referred a joint memorial to the Congress of the United States praying a grant of land for purposes of female education, reported a substitute in lieu thereof. Mr Mobley moved to lay the memorial on the table, which was lost. Mr Fearn moved to amend it by striking out the words "by this State," with a view to insert the words "by the respective counties" which was carried. Mr Mobley offered the following amendment: "or in the event that the donation above requested shall not be deemed expedient, that the privilege be allowed the different counties to enter the quantity of land above named, at the minimum price thereof." Mr Pope moved to refer the memorial to a select committee with instructions to report to-morrow morning, which was lost. The question again was on Mr Mobley's amendment and lost. The memorial was then adopted. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Clarke made the following report: The committee on county boundaries, to whom was referred a resolution to inquire into and ascertain, whether, by attaching the twelfth range to Montgomery, would not reduce the county of Dallas below the constitutional extent of territory; and also, an abstract taken from the survey in the land office at Cahawba, of the fractions on both sides of the Alabama and other rivers, have according to order had the same under consideration, and modestly ask leave to report, that they have examined the maps and abstract which have been laid before them, as also the laws on said subject, and have come to the opinion, that if the twelfth range should be taken from Dallas, it will reduce said county to less content than nine hundred square miles, but that three townships may be taken from said twelfth range, and Dallas county will still continue its constitutional limits. Mr Conner moved that the report lie on the table, which was carried.

Mr Acklen made the following report: The committee on enrolled bills have examined and found correctly enrolled, a joint memorial to the Congress of the United States, praying a relinquishment of claim to certain lands for the purpose of establishing and endowing primary schools in the several counties of this State, which originated in this House.

Mr Philpott, from the military committee, to which was referred a communication from major Carleton, on the subject of the improvement of the militia laws of this State, reported that the committee had embraced in a bill now in preparation most of the subjects contained in the communication, and asked to be discharged from the further consideration of the subject, which was granted.

Mr Taylor made the following report: The military committee to which was referred so much of the message of his Excellency the Governor, and the communication of the adjutant general, have given the subject therein contained that respectful consideration to which they were entitled, and have instructed me to report, that the military committee had anticipated the recommendations contained in the document referred to them, and are preparing a bill which is now in a state of forwardness. They have also had under consideration the annual return of the strength and condition of the militia, and the accompanying document from the adjutant general. The committee are of opinion the present law on the subject of returns is unexceptionable; the great injury complained of arises from the want of a proper enforcement of the provisions of the law. Mr Taylor moved that the report lie on the table, which was carried.

Mr Bibb, who voted in the majority on yesterday, on concurring with the report of the committee on the bill entitled an act to attach a part of

the county of Clarke and Wilcox to the county of Monroe, and for other purposes, moved to reconsider the vote, which was carried. Mr. Morrisette moved that the House disagree to said report, which was lost.

The yeas and nays being desired, those who voted in the affirmative are Messrs Clark, Craig, Dale, Derrett, Ellis, Flournoy, Forrest, Mardis, Mead, Moore, Morrisett, Murphree, Oliver, Parsons, Pope, Robinson, Roulston, Roysdon, Weissinger, and Young—20.

Those who voted in the negative are Messrs Speaker, Acklen, Banks, Barclay, Bates, Bibb, Bradford, Brodnax, Brown, Byrnes, Coleman, Conner, Cook, Coopwood, Curtis, Dennis, Fearn, Green, Grigsby, Hays, Hester, Hodges, Hudson, Jack, Jackson, Jones, Keag, Lawler, Ligon, Massey, McEldey, Metcalle, Mobley, Penn, Philpott, Rather, Richardson, Ross, Russell, Ship, Smith, Taylor, Ward, and Williams—38.

Mr Mobley moved that the bill lie on the table till Monday week, which was lost: Mr Dale moved that the bill lie on the table till Monday next, which was carried.

Mr Moore, from the select committee to which was referred the bill to be entitled an act for the compensation of Aaron Reddus, jailer of the county of Limestone, together with sundry accounts referred to said committee, reported a substitute in lieu thereof, which was adopted. Mr Brown moved to strike out the 6th section of the bill, which was lost.

The yeas and nays being desired, those who voted in the affirmative are Messrs Bradford, Brown, Clark, Coleman, Conner, Craig, Dennis, Derrett, Ellis, Flournoy, Forrest, Green, Hodges, Hudson, Jones, McEldey, Mead, Metcalle, Morrisett, Murphree, Penn, Pope, Roulston, Roysdon, Ship, Smith, Ward and Young—28.

Those who voted in the negative are Messrs Speaker, Acklen, Baker, Banks, Barclay, Bates, Bibb, Brodnax, Byrnes, Cook, Coopwood, Curtis, Dale, Fearn, Grigsby, Hays, Hester, Jackson, Jack, King, Lawler, Ligon, Mardis, Massey, Mobley, Moore, Parsons, Philpott, Rather, Robinson, Ross, Russell, Taylor, Van Dyke, Weissinger and Williams—36.

Mr Van Dyke moved that the bill be referred to the committee on accounts, with instructions to incorporate the same in the general appropriation bill.

Mr Brodnax, from the select committee to which was referred the petition of the master and wardens of Autauga Lodge, praying the passage of a law authorizing the said Lodge to raise a sum of money not exceeding six thousand dollars, by lottery, to be applied to the building of a masonic hall reported a bill to be entitled an act authorizing a lottery for the benefit of Autauga Lodge, No. 30, of Ancient Free Masons, which was read, and ordered to a second reading to-morrow.

Mr Flournoy obtained leave to introduce a bill to be entitled an act relating to motions in court, which was read and ordered to a second reading to-morrow.

A message from the Senate, by G. W. Gayle. Mr Speaker: The Senate have adopted the following resolution, in which they desire your concurrence: *Resolved*, That with the concurrence of the House of Representatives, the two Houses will adjourn upon the 9th day of January, *sine die*, at the hour of one o'clock, p. m. They have also read three several times and passed a bill which originated in the House of Representatives, of the following title, to wit: an act making an appropriation to pay the balance of the amount to which the commissioners of the State Capitol were authorized by law to contract, and for which there has been no appropriation. Mr Bibb moved to amend the resolution by striking out the word "ninth," with a view to insert the word "sixteenth, which was carried. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Mead obtained leave to introduce a bill to be entitled an act to change the name of a certain person therein named, which was read and ordered to a second reading to-morrow.

Bills from the Senate of the following titles, to wit: an act to repeal in part an act approved January 13, 1828, and for other purposes; an act to incorporate the stock holders and subscribers to the newly invented marine railway, in the city of Mobile, under the Roger's patent, were severally read, and ordered to a second reading to-morrow. And then the House adjourned to three o'clock this evening.

At three o'clock the House met pursuant to adjournment.

The Speaker laid before the House a communication from the Secretary of State, shewing the strength of the militia of this State, which was read and referred to the military committee to consider and report thereon.

Bills of the following titles, to wit: an act to authorize Daniel Payne and his associates to open a turnpike road therein named: an act to change the compensation of jurors in the counties of Henry and Itale: and an act to alter a certain road therein named, and for other purposes, were severally read a second time, and ordered to be engrossed for a third reading to-morrow.

The bill entitled an act to authorize James West to erect a dam across Flint river, in Morgan county, was read a second time. Mr Taylor moved that the bill be indefinitely postponed, which was lost. The bill was then ordered to be engrossed for a third reading to-morrow.

The bill entitled an act to amend an act to regulate the licensing of physicians to practice and for other purposes, was read a second time. Mr Oliver moved to amend the bill by striking out the word "Clotherne," wherever it occurs in the bill, with a view to insert Montgomery; a division of the question being called for, the vote was first taken on striking out and lost. Mr Coopwood moved to recommit the bill to the committee that reported it, with instructions to repeal all former laws on the subject, which was lost. Mr Moore moved to strike out the third section, which was lost. Mr Coopwood moved to amend the bill by way of the following proviso: *Provided*, That all practising physicians in this State before the passage of this act, shall not be compelled to obtain license from any of the medical boards hereby established." Mr Parsons moved to amend Mr Coopwood's amendment with the following: *Provided*, such persons have a license from any of the medical boards of this State, were practising before the passage of the act to which this is a supplement, which was carried. Mr Coopwood moved that the amendment lie on the table, which was carried. Mr Curtis then moved that the rule requiring bills to be read on three several days be dispensed, and that it be read a third time forthwith, which was carried. The bill was then considered as engrossed, and read a third time forthwith, and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The bill entitled, an act to appropriate and set apart the interest accruing to the State each and every year upon two hundred thousand dollars, funds of the University of Alabama, for the education of the extreme poor of the State and for other purposes, was read a second time. Mr Bibb moved that the further consideration of the bill be postponed to the first day of March next, which was lost. Yeas 30.—Nays 37.

The yeas and nays being desired, those who voted in the affirmative are Messrs Speaker, Acklen, Banks, Bibb, Byrnes, Clark, Cole, Connor, Cook, Craig, Dennis, Ellis, Fearn, Forrest, Green, Grigsby, Hays, Jack, King, Oliver, Pope, Rich-

ardson, Robinson, Russell, Ship, Taylor, Van Dyke, Weissinger, Williams and Young.

Those who voted in the negative are Messrs Baker, Bates, Bradford, Brown, Coleman, Coopwood, Curtis, Dale, Durrett, Flounoy, Hester, Hodges, Horton, Hudson, Jackson, Jones, Lane, Lawler, Ligon, Mardis, Massey, McElderry, Mead, Metcalfe, Mobley, Moore, Morrissett, Murphree, Parsons, Penn, Philpott, Rather, Ross, Boulston, Roysdon, Smith and Ward

Mr Parsons moved to amend the bill by striking out the word "two" with a view to insert one, a division of the question being called for, the vote was first taken on striking out and carried. Mr Moore moved to strike out the word "hundred" which was carried. Mr Parsons moved that the bill be referred to the committee on education, with the following instructions: to report to this House a bill a substitute for the bill to provide for the education of a portion of the poor youths of this State at the University, so soon as the same shall commence its operations, free from charge for tuition, and that said youths shall be taken from the different counties of this State, in portion and in equal numbers to the representatives elected from said counties respectively, which was carried.

A message from the Senate by G. W. Gayle; Mr Speaker: The Senate have adopted a joint resolution which originated in the House of Representatives to procure a topographic survey by the engineers of the United States, of a route for a canal to unite the waters of the Tennessee and Tombigbee rivers, so far as to ascertain the practicability of such a work, and a joint resolution originating in the House of Representatives, in relation to the Cherokee boundary. They have also passed a bill which originated in the Senate, entitled, an act to authorize Joseph Deruy to open a road and establish a private ferry in the county of Dallas, in which they desire your concurrence.

The engrossed bill from the Senate, entitled, an act to authorize Joseph Deruy to open a road and establish a private ferry in the county of Dallas, was read a first time and ordered to a second reading on to-morrow.

The bill entitled, an act to limit the power of the trustees of the University of the State of Alabama and for other purposes, was read a second time and referred to the committee on education.

The bill entitled, an act to amend an act to authorize the building of a jail in Morgan county, was read a second time and referred to a select committee consisting of messrs Philpott, Rather and McElderry.

The bill entitled, an act the better to provide for the support of paupers, was on motion of Mr Coopwood, ordered to lie on the table.

The bill entitled, an act to designate part of the line between the counties of Tuscaloosa and Bibb, and the bill entitled, an act to annex from the county of Tuscaloosa to the county of Bibb, so much territory as will give to Bibb county her constitutional limits, were on motion of Mr Williams, referred to the committee on county boundaries.

On motion of Mr Taylor, *Ordered*, that Mr Jack be added to the military committee.

Mr Moore from the joint examining committee of the State Bank, to which was referred sundry resolutions calling on the officers of the State Bank to furnish the information embraced in said resolutions, made the following report, viz:

The joint examining committee of the State Bank, to which was referred sundry resolutions calling on the officers of the State Bank to furnish the information embraced in said resolutions, beg leave to submit to the two Houses of the General Assembly, the accompanying tabular views, com-

prehending three statements: The first marked A, shewing the amount of notes offered by, and the amount discounted to, each county in the State.

The second, marked B, exhibits the amount of bills of exchange offered, and the amount discounted to each county.

The third, marked C, shews the gross amount of bills of exchange purchased annually since the establishment of the Bank, with the damages collected on such as have not been punctually paid.

The document marked D, gives a condensed view of the two marked A, and B.

In answer to the resolution calling for information in relation to the additional clerk, authorized by a law of the last session, and whether any retrenchment can, with propriety, be made in the expenses of the institution; the committee beg leave to submit a letter written under the direction of the board, by the President of the Bank, marked E.

All of which is respectfully submitted.

J. WATKINS, JESSE W. GATCH, J. B. HOGAN, Committee of Senate.

DAVID MOORE, ELISHA YOUNG, J. B. CLARK, Committee of H. Reps.

Mr Bibb moved that the report with the accompanying document lie on the table, and that one hundred copies of the same be printed for the use of the House, which was carried.

And then the House adjourned till half past 9 o'clock to-morrow morning.

Friday, January 1st, 1830.

The House met pursuant to adjournment.

A message from the Senate by G. W. Gayle; Mr Speaker: The Senate have instructed me to inform your honorable body, that they concur in the amendment made by the House of Representatives to a resolution proposing to adjourn *sine die* on Saturday the ninth of January instant, by striking out the word "ninth" and inserting in lieu thereof, the word "sixteenth."

Mr Conner obtained leave to introduce a joint resolution for the call of a convention, which was read and laid on the table.

Mr Morrisett made the following report: The committee on enrolled bills have examined and found correctly enrolled, a joint resolution to procure a topographic survey by the engineers of the United States, of a canal route to unite the waters of the Tennessee and Tombekbee rivers, so far as to ascertain the practicability of such a work, and a joint resolution in relation to the Cherokee boundary.

Mr Taylor from the military committee, to which was referred the petition of the Warrior Guards, reported a bill to be entitled, an act for the relief of the Warrior Guards, which was read and ordered to a second reading to-morrow.

Mr Pope presented the account of David Fulton, which was read and referred to the committee on accounts to consider and report thereon.

Mr Dennis from the committee on propositions and grievances, to which was referred the petition of Nathaniel Clark, of Pike county, praying the emancipation of certain slaves therein named, reported a bill to be entitled, an act to emancipate certain slaves therein named, which was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith and referred to the committee on the state of the republic.

Mr McElderry from the committee on accounts to which was referred the claim of Jennings R. Holland, martial provost, reported that they are not apprised of any law authorizing the appointment of any such officer, and that said claim is not chargeable on the State, in which report the House concurred.

Mr McElderry from the committee on accounts to which was referred the claims of Henry M. Abney, reported that said claim is not chargeable on the State, in which report the House concurred.

Mr Ligon obtained leave to introduce a bill to be entitled, an act to authorize Amos C. Horton to emancipate a certain slave therein named, which was read a first time. Mr Ligon then moved that the rule requiring bills to be read on three several days be dispensed with and that it be read a second time forthwith, which was carried. The bill was then read a second time forthwith and referred to the committee on the state of the republic.

Mr Clark made the following report: The committee on county boundaries to whom was referred a resolution instructing them to inquire into the boundary lines of St Clair county, and see whether or not, the said county contains its constitutional limits, and if not, what is the deficit, and that the said committee report the result of their inquiries to this House, have according to order had the same under consideration and instructed me to report, that since the adoption of the constitution, some territory has been taken from St Clair and added to Jefferson, which has left her with only twenty-one townships of her original territory, but that the last session of the Legislature added a considerable part of the Creek nation to said county, with which, in the opinion of your committee, St Clair has over nine hundred square miles. Mr Clark moved to lay the report on the table, which was carried.

Mr Ward from the committee on accounts to which was referred the account of John Gillus, jailer of Conecuh county, reported that said account is not chargeable on the State, and ask leave to be discharged from the further consideration thereof, which was granted.

Mr Clark from the committee on county boundaries to which was referred the bill entitled, an act further for the location of the seat of justice in Pickens county, reported the same with sundry amendments which were concurred in, the bill was then ordered to be engrossed for a third reading to-morrow.

Mr Clark made the following report: The committee on county boundaries to whom was referred a resolution instructing them to inquire into the expediency of making the dividing line between townships 23 and 24, the southern boundary of Pickens, commencing at a point eastwardly and running westwardly until said line strikes the Sipsey river, thence down said river to its junction with the Tombigbee, and thence due west to the State line of Mississippi, have according to order, had the same under consideration and have instructed me to report, that it is inexpedient to make the line as contemplated by said resolution. Mr Clark moved to lay the report on the table, which was carried.

Mr Clark made the following report: The committee on county boundaries to whom was referred a communication concerning the boundaries, public buildings, and fiscal concerns of Covington county, have according to order had said communication under consideration and have instructed me to ask leave to be discharged from the further consideration thereof, which was granted.

Mr Clark made the following report: The committee on county boundaries to whom was referred sundry petitions of sundry citizens of the twelfth range, in the eastern part of Dallas county, praying the formation of a county in that tract of country lying between Big Swamp Creek and Pine Barren and extending east, as far as necessary to make a constitutional county, have according to order had the same under consideration

and have instructed me to report, that it is inexpedient to form a county as proposed by said petitioners, in which report they desire the concurrence of the House; in which report the House concurred.

Mr Clark made the following report: The committee on county boundaries to whom was referred sundry petitions of the citizens of the county of Marengo for and against the alteration of the boundaries of said county, sundry petitions from the county of Dallas, praying that the Alabama river may be made a county line, a petition from sundry citizens of the western part of the county of Perry, praying that Perry county may be divided by the Cahawba river, and also the petition of sundry citizens of that part of Greene county east of the Warrior river, praying that said river be made a county line, have according to order had said several petitions under consideration, and have instructed me to ask leave to be discharged from the further consideration of said petitions, which was granted.

Mr Acklen made the following report: The committee on enrolled bills have examined and found correctly enrolled, a bill entitled, an act making an appropriation to pay the balance of the amount to which the commissioners of the State Capitol were authorized by law to contract, and for which there has been no appropriation, which originated in this House.

Mr Ligon from the judiciary committee to which was referred a resolution instructing them to inquire into the expediency of repealing the 4th and 5th sections of an act entitled, an act for the suppression of vice and immorality, passed March 12th, 1803, reported a bill to be entitled, an act to repeal in part a certain act therein named, which was read and ordered to a second reading to-morrow.

Mr Bibb made the following report: The select committee to which was referred the joint resolution from the Senate, proposing amendments to the constitution of the State of Alabama, so as to have biennial sessions of the General Assembly thereof, with instructions to compare them with the provisions of the constitution, and ascertain if they will produce any confliction therewith, have according to order had the same under consideration, and have instructed me to report, that in the discharge of that duty, they have not perceived that any confliction will be produced by their adoption, all of which is respectfully submitted.

The resolution from the Senate, proposing amendments to the constitution of the State of Alabama, so as to have biennial sessions of the General Assembly thereof being on its second reading, Mr Ellis offered the following amendment: strike out of the 12th and 13th lines of the 1st section of the resolution, the words "insert the words 'two' before the word 'years,'" where it occurs in the said section, and insert in lieu thereof, the words "strike out the word 'year,'" where it is in said section, and insert in lieu thereof the words "two years," which was carried. Mr Speaker offered the following amendment, strike out of the resolution in the last line of the first page, the words "in two years" and insert in lieu thereof, the words "a year."

And then the House adjourned to 3 o'clock this evening.

At 3 o'clock the House met pursuant to adjournment.

The House resumed the consideration of Mr Speaker's amendment to the joint resolution from the Senate proposing amendments to the constitution of the State of Alabama, so as to have biennial sessions of the General Assembly thereof, and the question being put on the adoption of the amendment, and lost. Yeas 17—Nays 52.

The yeas and nays being desired, those who voted in the affirmative are messrs

Speaker, Baker, Banks, Clark, Conner, Cook, Dale, Ellis, Hays, Jack, Mobley, Oliver, Parsons, Richardson, Robinson, Ross and Williams.

Those who voted in the negative are messrs Acklen, Barclay, Bates, Bibb, Bradford, Brodnax, Brown, Byrnes, Cole, Coleman, Coopwood, Craig, Curtis, Dennis, Durrett, Fearn, Fitts, Flournoy, Forrest, Goldthwaite, Green, Grigsby, Hester, Hodges, Horton, Hudson, Jackson, Jones, King, Lane, Lawler, Ligon, Massey, McElderry, Mead, Metcalfe, Moore, Morrissett, Murphree, Penn, Philpott, Pope, Rather, Roulston, Roysdon, Russell, Ship, Smith, Taylor, Ward, Weissinger and Young.

Mr Clark offered the following amendment: amendment after the word proclamation in the 14th section, 3d article, thus: "provided Senators shall not be eligible more than two terms in succession, and representatives shall not be eligible more than four terms in succession, and no sessions of the Legislature shall be in any one year more than forty two days, nor shall the Legislature be convened by the Governor more than once in every five years, which was lost. Yeas 4—Nays 64.

The yeas and nays being desired, those who voted in the affirmative are messrs Banks Clark Parsons and Williams.

Those who voted in the negative are messrs Speaker Acklen Baker Barclay Bates Bibb Bradford Brodnax Brown Byrnes Cole Coleman Conner Coopwood Craig Curtis Dale Dennis Durrett Ellis Fearn Fitts Flournoy Forrest Goldthwaite Green Grigsby Hays Hester Hodges Horton Hudson Jackson Jack Jones King Lane Lawler Ligon Massey McElderry Mead Metcalfe Mobley Moore Morrissett Murphree Oliver Penn Philpott Pope Rather Richardson Robinson Ross Roulston Roysdon Russell Ship Smith Taylor Ward Weissinger and Young.

Mr Clark moved the following amendment: "amend by inserting after the word proclamation, in the 14th section of the 3d article, these words, and shall not continue in session more than ten weeks at any session."

Mr Conner moved to postpone the resolution to the 1st Monday in June next, which was lost. Yeas 15—Nays 55.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker Baker Banks Clark Conner Cook Dale Ellis Hays Jack Mobley Oliver Parsons Robinson and Williams.

Those who voted in the negative are messrs Acklen Barclay Bates Bibb Bradford Brodnax Brown Byrnes Cole Coleman Coopwood Craig Curtis Dennis Durrett Fitts Flournoy Forrest Goldthwaite Green Grigsby Hester Hodges Horton Hudson Jackson Jones King Lane Lawler Mardis Massey McElderry Mead Metcalfe Mims Moore Morrissett Murphree Penn Philpott Pope Rather Richardson Ross Roulston Roysdon Russell Ship Smith Taylor Van Dyke Ward Weissinger and Young.

The question was again on Mr Clark's amendment. Mr Durrett moved that said amendment lie on the table, which was carried.

The yeas and nays being desired, those who voted in the affirmative are Messrs Acklen Barclay Bates Bibb Bradford Byrnes Cole Coleman Coopwood Craig Curtis Durrett Ellis Fitts Forrest Goldthwaite Green Grigsby Hester Hodges Horton Hudson Jackson King Lane Lawler Ligon Mardis Massey McElderry Metcalfe Moore Morrissett Murphree Penn Philpott Pope Rather Richardson Ross Roulston Roysdon Russell Ship Smith Taylor Van Dyke and Weissinger.—48.

Those who voted in the negative are messrs Speaker Baker Banks Brodnax Brown Clark Conner Cook Dale Dennis Flournoy Hays Jack Jones Mead Mims Mobley Oliver Parsons Robinson Ward Williams and Young.—23.

Mr Pope moved that the resolution be made the special order of the day for to-morrow, which was carried.

Engrossed bills of the following titles to wit: an act for the relief of Andrew O. Horn, tax collector for Lawrence county; an act to prevent the evil practice of betting on elections; an act to incorporate Marion academy in Perry county, were severally read a third time and passed. *Ordered*, that their titles be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

A joint resolution requiring the offices of the comptroller and Treasurer to be examined annually, was read a second time, and the rule requiring bills and joint resolutions to be read on three several days being dispensed with it was considered as engrossed, read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Clark who voted in the majority on the question to engross and read a third time to-morrow, the bill entitled, an act further to provide for the location of the seat of justice in Pickens county, moved to re-consider that vote which was carried, and the rule requiring bills to be read on three several days being dispensed with, the bill was considered as engrossed, read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Bibb called up the joint remonstrance on the subject of instructions given from the Treasury department relative to the funds receivable for public lands, which was referred to the same select committee to which was referred the resolution of Mr Pope, introduced on Wednesday last.

The bill from the Senate entitled, an act to give the circuit courts of this State power to render judgements final against the security in writs of error bonds, was read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

The bill from the Senate entitled, an act for the relief of Sally Turner, executrix of Charles H. Turner, deceased, was read a second time and referred to a select committee consisting of messrs Baker, Oliver and Goldthwaite.

The bill from the Senate entitled, an act to discontinue and establish certain election precincts therein specified, was read a second time and referred to the committee on privileges and elections.

The bill from the Senate entitled, an act for the benefit of beat No. 6, in the county of Pickens, was read a second time and ordered to a third reading to-morrow.

The bill from the Senate entitled, an act to reduce the fees of the clerk of the supreme court of this State, was read a second time and referred to the judiciary committee, with instructions to report on Monday next.

The bill from the Senate entitled, an act more effectually to prevent judges of the circuit and county courts from charging juries on matters of fact, and the better to secure the right of trial by jury, was read a second time and referred to the judiciary committee.

The bill from the Senate entitled, an act to change the name of William Tankersly to that of William Parmer, was read a second time and the rule requiring bill to be read on three several days being dispensed with, it was forthwith read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

The resolution raising a special committee to inquire into the expediency of having the census separately taken in all the cities and towns in this State, was postponed until the first day of August next.

The resolution directing the comptroller to report to this House a statement of the amount of taxes paid into the treasury of this State by the different counties and the amount raised on each item of taxation, was adopted.

Mr Van Dyke moved that the resolution requesting the Governor to lay before this House, all evidence whatever, in writing or otherwise, in relation to the manner in which the commissioners appointed to select,

class and value the 400,000 acres of land granted to this State for internal improvement be postponed till the 1st Monday in August, which was carried. And then the House adjourned till half past 9 to-morrow, A. M.
Saturday, January 2d, 1830.

The House met pursuant to adjournment.

Mr Speaker laid before the House a communication from M'Guire, Henry and Walker, praying an additional compensation as State printer's which was read. Mr Bibb moved that the communication lie on the table, which was lost. Yeas 27—Nays 41.

The yeas and nays being desired, those who voted in the affirmative are Messrs Backs Bibb Bradford Brown Coleman Conner Craig Darrett Flournoy Forrest Hudson Lane Egon McElderry Mead Metcalf Mobley Morrissett Murphree Oliver Rather Robinson Ross Russell Ship Smith and Young.

Those who voted in the negative are Messrs Speaker Acklen Barclay Bates Brodnax Byrnes Clark Cole Cook Coopwood Curtis Dale Dennis Ellis Fearn Fitts Githwaite Green Grigsby Hays Hester Hodges Jackson Jack Jones Lawler Madis Blassey Mims Moore Parsons Penn Philpott Pope Richardson Roulston Rogers Van Dyk Ward Weissinger and Williams.

Mr Fearn moved that the communication be referred to the committee on public printing. Mr Reher moved the following instructions: to inquire of M'Guire, Henry and Walker if they intend declining the acceptance of the appointment as State printers, made at this session of the Legislature, under the present salary, which was lost. Mr Penn moved the following instructions: to inquire whether a more equitable mode of compensating the public printers than by a fixed salary cannot be devised, which was lost. The question was, on Mr Fearn's motion, and carried.

A message was received from the Governor, by James I. Thornton.

EXECUTIVE DEPARTMENT, *January 2, 1830.*

The Hon. the Speaker and Members of the House of Representatives;

I hereby inform your honorable body, that a vacancy exists in the office of judge of the county court of Lawrence county, Peter W. Taylor having resigned that appointment, the duty of filling which will devolve upon the General Assembly. I have the honor to be, &c.

(Signed,)

GABRIEL MOORE.

Ordered, that said communication lie on the table.

Mr Cook presented the account of the sheriff of Butler county, which was read and referred to the committee on accounts, to consider and report thereon.

Mr Smith presented the petition of sundry inhabitants of Jackson county, praying that civil and criminal jurisdiction be continued over a certain part of the Cherokee nation therein mentioned, which was read and referred to the committee on Indian affairs.

Mr Hudson, from the committee on propositions and grievances, to which was referred the account of Jackson and Swift, reported that said account ought not to be allowed, and ask leave to be discharged from the further consideration thereof, which was granted.

Mr Baker made the following report: the committee on the state of the republic, to which was referred the report of the directors and wardens of the Connecticut State prison, have had the same under consideration, and have instructed me to recommend to the House, the publishing of five hundred copies of the same, for the use of the citizens of this State. Mr Clark moved that the report lie on the table, which was carried.

Mr McElderry, from the committee on accounts, to which was referred the account of Edward Ellis, jailer of Montgomery county, reported that said account is not sufficiently authenticated, and ask leave to be dis-

charged. Mr Goldthwaite moved to recommit the account, with instructions to make allowance for victualling prisoners, &c. which was carried.

Mr Ligon, from the committee on the state of the republic, to which was referred a communication from the State of Tennessee, relative to the erection of a hospital at the town of Memphis in said State, reported a bill to be entitled an act appropriating the sum of five hundred dollars for the purpose of aiding in the erection of a hospital in the town of Memphis, in the State of Tennessee, which was read, and ordered to a second reading on Monday next.

Mr Goldthwaite presented the petition of Edward A. M'Bryde, praying compensation for taking the census of the Creek Indians within the county of Montgomery, which was read and referred to the committee on propositions and grievances, to consider and report thereon,

A message from the Governor, by James I. Thornton. Mr Speaker: The Governor did, on the 1st inst. approve and sign the following bills: An act making appropriation for the payment of certain claims against the State of Alabama; a joint memorial to the Congress of the United States, praying a postponement of the sales of the public lands in the county of Jackson: a joint memorial to the Congress of the United States, praying a relinquishment of claim to certain lands for the purpose of establishing primary schools in the several counties of this State: joint resolution in relation to the Cherokee boundary: joint resolution to procure a topographic survey by the engineers of the United States, of a route for a canal to unite the waters of the Tennessee and Tombeckbe rivers, so far as to ascertain the practicability of such a work; and an act making an appropriation to pay the balance of the amount to which the commissioners of the State Capitol were authorized by law to contract, and for which there has been no appropriation, all of which originated in the House of Representatives.

A message from the Senate by G. W. Gayle. Mr Speaker: I have been instructed by the Senate to inform your honorable body that they have concurred in the amendment made by the House of Representatives to a bill which originated in the Senate, entitled an act to authorize the courts of this State to render judgements final against the security of non-residents. They have also read three several times and passed bills which originated in their House, entitled an act to incorporate the trustees of the Sims' Female Academy, in the town of Tuscaloosa; and an act to extend the limits of Monroe county, and to designate the dividing line between the counties of Monroe and Clarke, in which they desire the concurrence of your honorable body.

The House then resolved itself into a committee of the whole House, on the bill more effectually to secure the estates of females, Mr Bibb in the chair, and after some time spent in the consideration of the same, the committee rose, Mr Speaker resumed the chair, and Mr Chairman reported progress, and leave was asked to sit again at three o'clock this evening, which was granted. And then the House adjourned to 3 o'clock this evening.

At 3 o'clock the House met pursuant to adjournment.

The House again resolved itself into a committee of the whole House, on the bill entitled an act more effectually to secure the estates of females, Mr Bibb in the chair, and after some time spent in the consideration of the same, the committee rose, Mr Speaker resumed the chair, and Mr Chairman reported progress, and leave was asked to sit again on Tuesday next, which was granted. And then the House adjourned to Monday, at 10 o'clock A. M.

Monday, January 4th, 1830.

The House met pursuant to adjournment.

Mr Acklen presented the petition of sundry inhabitants of Madison county, praying that civil and criminal jurisdiction may be continued over that part of the Cherokee nation adjoining to Madison and Jackson counties, which was read, and referred to the committee on county boundaries, to consider and report thereon.

Mr Ellis presented the account of Thomas B. Grantland, which was read and referred to the committee on accounts to consider and report thereon.

Mr Craig presented the account of the sheriff of Lauderdale county, and also called up the account of said sheriff heretofore laid on the table, they were severally referred to the committee on accounts, to consider and report thereon.

Mr Coleman presented the account of the sheriff of Limestone county, which was read and referred to the committee on accounts to consider and report thereon.

Mr Clark made the following report : The committee on county boundaries to whom was referred the petition of sundry citizens of Walker county, praying that a part of said county may be attached to the county of Blount, have according to order had the same under consideration, and instructed me to report that it is inexpedient to make said annexation; in which report the House concurred.

Mr Coleman, from the judiciary committee, to which was referred a resolution instructing them to inquire into the expediency of so amending the laws for the relief of insolvent debtors, as to compel such debtors to deliver to the proper officer, the personal property and the title papers to the real estate mentioned in his schedule, reported a bill to be entitled an act to amend the laws now in force in this State, for the relief of insolvent debtors which was read, and ordered to a second reading to-morrow.

Mr Moore, from the committee on lands appropriated, to which was referred the petition of William E. Philips and Calvin J. King, administrators of Charles King, deceased, reported a bill to be entitled an act for the benefit of the estate of Charles King, deceased, which was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and the rule being further dispensed with, it was then read a third time, considered as engrossed and passed. *Ordered*, that the title be as aforesaid; *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Moore, from the committee on lands appropriated for internal improvement, to which was referred the letter of James Clemens, praying the passage of a law to authorize him to enter two quarter sections of land, the preference right of which now stands on the register's books, to Francis Watkin's deceased, the occupant of said two quarter sections of land at the time of his death, reported that it would be inexpedient and out of the power of the legislature to grant the prayer of the petitioner; in which report the House concurred.

Mr Fearn, from the committee on education, to whom was referred a bill to be entitled an act to limit the powers of the trustees of the University of the State of Alabama, and for other purposes, reported the same without amendment; and further, to report that in the opinion of said committee, it is inexpedient to pass the same. Mr Lawler moved that the report lie on the table, which was lost. Mr Clark moved that the House disagree to said report, which was lost. Yeas 28—Nays 38.

The yeas and nays being desired, those who voted in the affirmative are messrs

Baker Brodnax Brown Clark Cole Cook Coopwood Craig Dennis Durrett Forrest Goldthwaite Hester Hodges Hudson Jones Massey Mobley Morrisett Morphree Roysdon Russell Ship Smith Taylor Vaud Dyke Ward and Weissinger.

Those who voted in the negative are messrs Speaker Acklen Banks Bibb Bradford Byrnes Coleman Conner Curtis Dale Ellis Fearn Fitts Floornoy Green Grigsby Hays Jack King Lane Lawler Ligon Mardis McElderry Mims Moore Oliver Parsons Penn Philpott Pope Rather Richardson Robinson Ross Roulston Williams and Young.

The report was then concurred in by the House.

Mr Lawler, from the committee on propositions and grievances, to which was referred the petition of Eleanor Kates and others, praying the remission or further indulgence to be extended to the estate of her husband, John Kates, deceased, one of the securities of Daniel Harrison, defaulting tax collector for the county of Bibb for the year 1828, reported a bill to be entitled an act to extend relief to the estate of John Kates, deceased, which was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith; and the rule being further dispensed with, it was then read a third time, considered as engrossed and passed *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Fitts, from the committee on the state of the republic, to whom was referred a petition of sundry inhabitants of Washington county, praying relief therein named, reported a bill to be entitled an act for the relief of William Winlock, which was read a first time, and ordered to a second reading to-morrow.

Mr Hester, from the military committee, to which was referred a resolution directing them to inquire into the expediency of exempting from ordinary military duty tax collectors and county treasurers of the different counties in this State, reported that it is inexpedient to legislate on that subject. Mr Acklen moved that the report lie on the table, which was lost. The report was then concurred in.

Mr Fearn made the following report: The committee on the state of the republic, to whom was referred the communication of Doct Robert W. Withers, of Greene county upon the subject of the cultivation of the vine and the sugar cane, have had the same under consideration according to order and believing it to contain matter of deep interest to the citizens of this State, have instructed me to recommend the publication thereof, that a knowledge of the facts communicated may be more generally diffused, in which report the House concurred.

Mr Philpott, from the select committee to whom was referred a bill entitled an act to amend an act to authorize the building of a jail in Morgan county, reported a substitute in lieu thereof, which was adopted: and the rule requiring bills to be read on three several days being dispensed with, it was then read a third time forthwith, considered as engrossed, and passed. *Ordered*, That the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Craig, from the committee on propositions and grievances, to which was referred the petition of Michael Robins, reported a bill to be entitled an act for the relief of Michael Robins, which was read a first time, and ordered to a second reading to-morrow.

Mr Parsons made the following report:

The joint committee appointed by the two houses of the General Assembly of the state of Alabama for the purpose of investigating the conduct of the late land commissioners chosen in conformity to an act passed at the session of the last legislature, to select, class,

and value four hundred thousand acres of land, granted by the Congress of the United States to this state, as the means of opening and constructing a canal navigable for steamboats, around or through the Muscle Shoals, obstructing and otherwise impeding the free navigation of the Tennessee river, and for other purposes, with authority to send for, and bring before them, persons and papers, report, that they have performed the duty assigned them.

Your committee first attempted to learn whether the conduct of the commissioners had been improper; in doing which, it was necessary, as far as practicable, to ascertain the actual conduct and procedure of the commissioners. The evidence adduced, shows that a majority of the board of commissioners assembled at Courtland, and agreed to make a short tour of observation in order, by an examination of the different classes of land, and a pricing of the same, to establish a standard of value, so as to produce as great a degree of uniformity as possible in their valuation. After such observation, about twelve dollars per acre was partially agreed upon as the highest price of the first, or best quality of relinquished land, unless some local cause might raise particular tracts above that value. The commissioners then separated themselves into four companies, and assigned to each specified bounds, as their sphere of action.

As appears by the memorial of messrs King and Terrell, the company who acted in Madison and Morgan, had completed their examination in Madison before they were apprized that the companies, generally, were not acting up to the common rule established, as before stated, by the majority of the board. The apparent want of uniformity is, in this way, accounted for. The reason of the departure from such rule, by the company that examined the lands in Limestone county, is explained by the evidence of John D. Carroll, and is, that after their separation from the other commissioners, upon reflection, they came to the conclusion, that each company was bound to act in accordance with the opinion entertained by themselves as to their course of duty, and their own construction of the statute, under which they acted, and particular observation and belief of the true value of the lands they selected, and that the commissioners had no right to establish rules for any company except their own.

The commissioners when the majority of them were together, as already observed, determined, as a general rule, that all settlers, or who were such, before the passage of the act of the legislature, establishing the board of commissioners, were entitled to preferences under the act; and that floating claims might be laid upon improved lands. The evidence shews, that mr King of Madison and mr G. K. Hubbard were not at the general meeting, and that mr Hubbard dissented from the opinion in relation to preferences, but submitted to obey the decision of the board, although he did not believe that, the decision, as to preferences, was correct. The evidence likewise shews, that in Lawrence county, the commissioners did act conformably to the instruction of the board in reference to the claim of occupants, and did allow floats to cover improved lands. We have no evidence that such was the rule of action with any other company of commissioners, as respects preferences and floating claims, unless in the case of floats from the river, which might cover any lands, to which another person had not a preference. As to the fact of the preference right claimed by G. K. Hubbard, the testimony throughout proves it to be just, and the entire transaction correct and honorable.

The evidence submitted, with but little exception, will prove, as far as the evidence of numbers, virtue and intelligence is capable of proving, that the lands in the four lower counties are generally valued correctly, or as nearly so as the same quantity of land could well be, and will also establish the fact, that no land in the Tennessee Valley, for the mere purpose of cultivation of cotton or corn, is worth more than ten dollars per acre, and further proves that no blame attaches itself to the commissioners or any one of them. It is true that in the opinion of your committee, the act, or construction of a majority of the board of commissioners in relation to the allowance of preference rights, and the location of floats, was a misconstruction of the statute; nevertheless, your committee are satisfied that the intention of the board in those respects, was the honest dictate of their better judgement, and that a statute so complicated as the one under which the commissioners acted, was well calculated to produce a difficulty of construction, not easy of solution to plain, unpretending agriculturalists, unskilled in the abstruseness of jurisprudence, and even not devoid of difficulty to jurists themselves.

The fact that a reduction was made of the prices first assessed, by the Lawrence board of commissioners, upon many tracts, to the amount of about five thousand six hundred and seventy-one dollars is, as your committee believe, explained and accounted for in a satisfactory manner by the testimony; by which it appears that the commissioners in such reduction, after they had examined all the land assigned to their board, and were better able to determine what was the true value of the land, made the reduction with the intention, and for the purpose of placing upon the said tracts of land a just price, which act of the commissioners, for the purpose aforesaid, your committee, or at

least a majority of them, believe was legal and just, and correct in the discharge of their duty.

Your committee further submit, that owing to the little observance paid to the standard of value affixed upon the lands, and established by the majority of the board of commissioners in the four lower counties, and the strict regard to such standard of value by the board for Madison and Morgan, the failure of uniformity in value has in a great measure been produced. Your committee believe that the majority of the board of commissioners could not legally establish a standard of value, or rule of action for the several companies; and that it was the duty of each board, under the provisions of the act, to perform according to their own observation, and to the terms of the statute, the duties assigned them. Yet your committee are of opinion that the company assigned to Madison and Morgan acted with good and perfect faith; but that, by the standard of value affixed by the board as a standard, and probably by the more exalted estimate in which those lands had been theretofore held by the inhabitants of those counties, they were increased, and in consequence sold valueless lands in the counties of Morgan and Madison at a rate of between twenty-five and fifty per cent too high. Your committee therefore respectfully recommend to the legislature to purchase so far as they may deem just and proper to produce uniformity in the valuation of said lands in such manner as shall be equitable; that quietness may be secured out to the occupants and purchaser, and the interest of the state protected.

Your committee are of opinion, that the commissioners under the provisions of the act were bound to arrange the lands in three classes, and that all lands of a less value than three dollars should be placed in the inferior class; viz. as the commissioners were sworn to assess the true value, when the value of the land was of less value than the minimum, it appears difficult to say how they could have assessed any other sum than that which they believed to be the true value, and your committee, notwithstanding, think that the law did nominate the class to which such lands were valued below the minimum of the third class belonged.

Your committee believe that this was more the error of the legislature than the commissioners, and may be accounted for in this manner—the legislature acted upon the belief that, from the alleged value of the land the quantity granted would certainly be found which was worth the minimum, and no other than that sum.

The committee are of opinion that the lands, so assessed by the commissioners, will command a greater sum of money than would have been produced under the auction system of the United States: for, that combination would have been formed, and every means resorted to, for the purpose of reducing the lands to a low price, which would probably have failed in their effort; and that what wrong claim may in justice be against the last Legislature, or the commissioners, on account of injustice done to the citizen resident in the section of country where the lands lie, yet, no just and veritable complaint can be made by the United States or other States, interested in the improvement contemplated to be made.

Your committee will now proceed to expose the true cause, in their opinion, as derived from the evidence of the disappointment of all in the real value of the lands; which they conceive to be the following: *First* the variable quality of the soil throughout the country, there being scarcely a quarter section of what is termed valuable land in the Tennessee Valley that does not present almost every quality of soil and it rarely occurring, that, a relinquished quarter section of land, three fourths of it should be valuable so far as it relates to more soil, and the circumstance of the mode in which lands have been relinquished, a great portion of the valuable lands being retained under the eight years credit system, and either paid for or forfeited in July last; the relinquished lands also, having been relinquished in such a manner as to be compassed about by patented lands, or lands retained under the credit of eight years. Much of the relinquished land beside a ruinous method of cultivation, was exhausted and rendered usually of little value to any person other than the occupant of adjoining land, or who owned the whole, or some part of the land adjacent. Upon the relinquished lands, the timber was generally felled, wasted and destroyed. In the county of Lawrence, at its first settlement, the good lands were so scarce of timber as to have scarcely more than enough to enclose them once.

To these prominent and important causes may be added others of no inconsiderable weight: The unproductive crops made for many years in the Valley of the Tennessee river, the low prices of the staple commodity of the country, cotton; it bearing, at times, a price not greater than six or seven cents per pound; the great quantity of land to be had in the Western District of Tennessee and in the State of Mississippi, at reduced prices, compared even with the assessed prices of the selected lands, eligibly situated in regard to commerce and equally well adapted to the culture of cotton.

Another cause, your committee will allude to. The former high prices of lands, had

awakened the people to a sense of sober reflection upon the subject and convinced them that they estimated their lands far beyond a prudent, reasonable, or fair value. This induced a nearer approach to the true value; and must continue to bring about a decline in price, even actually below their real value; lands in this section of country, as your honorable body, by adverting to the evidence, will perceive, having within the course of the last twelve or eighteen months been reduced and diminished in value, from twenty-five to fifty per cent. The large quantity of land, included in the donation, being brought at once into market, has had, indubitably, a material effect in subtracting from the value of lands in North Alabama; and of the impression prevalent in some counties, that the commissioners had fixed a very low valuation upon them.

You committee deem it necessary to report the cause, which in their estimation, led to this investigation; they are the following:—The magnitude and importance of the work, in its national character, its utility and importance to the people of the several States of this Union, more especially to those of North Alabama and Tennessee, together with the munificence and liberality of the grant, had induced almost every person to place a high and exaggerated estimate of value upon the lands granted. Added to this, the former enhanced and mistaken estimate of the value of land in the cotton-growing States, and the high price at which the relinquished lands had been purchased, contributed to cause even the more moderate, to account the worth of the lands granted at from one to two millions of dollars. And when the valuation of the commissioners had reduced more than one third of the whole quantity of land, below the minimum price of the United States, and that gradation was compared with the prices formerly given, and the fact was developed that the entirety of the land was worth only about six hundred and eighty six thousand dollars—and furthermore, when it appeared that the best of the land, which had been, anterior to this, purchased at prices varying from five to seventy dollars in four of the counties, were now valued at prices not exceeding ten dollars per acre; the best lands in other counties also, out of which the selections were made at prices below fifteen dollars per acre, most persons were exceedingly astonished and disappointed.

In this state of surprise charges were made against the character and conduct of the commissioners and against the legislature, who had resorted to that method of ascertaining the value of the lands, and disposing of them. These charges were widely circulated in newspapers, probably from credence in their truth; suspicion in the minds of many was confirmed, from an impression that lands of the same class, in the different counties, under the same local circumstances, were of like value; and that between the counties of Madison and Morgan, and the other four counties, viz. Limestone, Lawrence, Lauderdale and Franklin, there was great disparity in point of price affixed and valuation. Besides this, after more than one hundred and twenty thousand acres of the land had been examined, selected and valued, by the board of commissioners assigned to the county of Lawrence, Judge King, one of the commissioners, resigned, and another being appointed, the new commissioner, together with the two others, reduced in price some thirty-eight or nine tracts of the land; in the valuation of which the said King, prior to his resignation, had been engaged and assisted; which reduction varied from four dollars to seventy-five cents per acre. When Judge King received intelligence of this procedure, he communicated the information to the Governor. The Governor thus informed, and also advised that more than one third of the selected lands was not classed as appraised too, probably, of the contentions between occupants about preferences or rather the right of pre-emption; which contests had been partially settled by the commissioners, by which settlement many of the citizens conceived that their rights had suffered—communicated to both branches of the Legislature the failure of compliance on the part of the commissioners with the spirit and letter of the statute: and, though his Excellency did not, for an instant, entertain the suspicion of the existence of corruption, yet he considered it his duty, and incumbent on him, to recommend investigation.

And investigation was, in fact, due to the State, to the United States, and to the gentlemen commissioners, whose characters were so deeply implicated. And if investigation was to be had at all, it behooved it to be as full, free and unrestrained as the good name of the State, and reputation of the commissioners, the importance of the work, and value of the donation required. Hence an investigation was ordered and your committee, by each House of this honorable Legislature, appointed to prosecute the enquiry; which they have done, or endeavored to do, with a zealous and impartial view to the end designed, and with as careful an observance of economy as the measure would allow.

The result of their investigation is to be gathered from a book, submitted herewith, as a part of this report, containing all the facts they have been able to collect; and which they feel a pleasure in saying, in their opinion, relieves the State and the commissioners from all manner of blame, and must satisfy all, of the true causes which led to the dissatisfaction which has existed; it having, for the most part, arisen from the misconstruction of the law (as before adverted to in this report) in allowing floats on cultivated lands, in al-

lowing preferences to settlers after the 1st of June, 1828, and in the inequality of valuation, all of which, if errors, were certainly involuntary and unpremeditated ones. Your committee suppose, that in the adjustment of so many subjects of controversy, as were brought before the commissioners by occupants, that error in decision might have occasionally occurred; as from the fallibility of human discernment might have been expected and inferred; and although this may be the case, yet your committee are filled with the conviction that your honorable body are endowed with no power to make correction; and, as to the allowance to preferences, after the period as designated in the act, that has certainly had no tendency to create injury to the State. A further result of the investigation has been a disclosure of the true causes which led to the placing of so improper and exaggerated an estimate on the value of the donation or grant—and what is yet more, it will, as your committee believe, evince besides, the accomplishment of two objects by no means of light import; the substantiation of our good faith, by a manifesting of the fair and just price of the lands granted, and the protection of the occupant. And your committee believe, that if good faith had been observed by the Legislature of the State, and by the commissioners, the deputed agents of the State, the many highly colored statements which have gone abroad, which rumor with her falsifying tongue, has amplified and disseminated without the stable basement of truth, whereon to found them, will no longer be suffered to rest over and tarnish the fame, or clothe with the dark vestment of suspicion, the fair reputation of any individual concerned. All of which, for your consideration, is respectfully submitted.

ENOCH PARSONS,

HENRY GOLDTHWAITE,

THOS. FEARN, Chairman on the part
of House of Representatives

JOHN B. HOGAN

THOS. CHAMFORD,

JAS. ABERCROMBIE, Chairman on
part of the Senate.

Mr Bibb offered the following resolution: *Resolved*, that a select committee be appointed to contract for the printing of five hundred copies of the said report, and the evidence accompanying the same, and that said committee be authorised to employ the secretary who took down the evidence to superintend said printing.

Mr Mardis offered the following amendment: “and further that the said printing be paid for out of the monies arising from the sales of said land,” which was lost. Yeas 18. Nays 50.

The Yeas and nays being desired, those who voted in the affirmative are messrs Baker Bates Bradford Brodnax Cook Coopwood Dennis Ellis Fitts Grigsby Jones Lawler Mardis Mims Morrisett Taylor Van Dyke and Weissinger.

Those who voted in the negative are messrs Speaker Acklen Bibb Brown Byrnes Clark Cole Coleman Conner Craig Dale Durrett Fearn Flournoy Forrest Goldthwait Green Hays Hester Hodges Horton Hudson Jackson Jack King Lane Ligon Massey McElherry Mead Metcalfe Moore Murphree Oliver Parsons Penn Philpott Pope Rather Richardson Robinson Ross Roulston Roysdon Russell Ship Smith Ward Williams and Young.

Mr Mobley moved to strike out the words five hundred with a view to insert one hundred; a division of the question being called for, the vote was first taken on striking out, and carried. Mr Goldthwaite moved to fill the blank with “five hundred and twenty-five,” which was carried. The resolution as amended was then adopted, whereupon messrs Bibb, Dale and Parsons were appointed said committee.

Mr Clark made the following report: The select committee to whom was referred the engrossed joint resolutions proposing amendments to the constitution of the State of Alabama, so as to limit the tenure of the judges office to six years, have according to order, had the same under consideration and have instructed me to report the following amendments to wit: Strike out of the enacting clause, the word “resolved,” and insert in lieu thereof, the word “ratified,” also in said enacting clause, by inserting after the word “by” these words: “two thirds of each House of,” also by inserting at the end of the enacting clause, these words: “voting by yeas and nays,” also by striking out the word “be” in the third line, and inserting in lieu thereof, the words “having been,” also by striking out in the 4th line, the words “which when” and insert in lieu thereof the word

"and," also by striking out commencing with the word "and" in the 5th line, and ending with the word "whatever" in the seventeenth line, and insert in lieu thereof, the words "is hereby ratified," in which several amendments they desire the concurrence of the House.

Mr Flournoy moved the following instructions: "be committed to the judiciary committee with instructions to draw up a formal ordinance or instrument reciting, that the resolutions had been submitted to the people and adopted by them, and declaring a ratification of the resolutions and making the provisions to form and constitute a part of the constitution in such formal manner as said committee may deem most legal and constitutional, and they report to-morrow morning, which was lost.

The yeas and nays being desired, those who voted in the affirmative are Messrs Speaker, Acklen, Baker, Banks, Bibb, Bradnax, Byrnes, Coleman, Conner, Cook, Curtis, Fearn, Fitts, Flournoy, Hays, Jack, King, Mims, Moore, Oliver, Penn, Robinson and Williams—23.

Those who voted in the negative are Messrs Barclay, Bradford, Brown, Clark, Cole, Coopwood, Craig, Dale, Dennis, D. rect, Ellis, Forrest, Goldthwaite, Green, Grigsby, Hester, Hodges, Hutton, Hudson, Jackson, Jones, Lane, Lawler, Ligon, Madis, Massey, McElhenny, Mead, Merditt, Mobley, Morrisett, Murphree, Philpott, Pope, Rather, Richardson, Ross, Roulston, Roysdon, Russel, Ship, Smith, Taylor, Van Dyke, Wind, Weissinger, and Young—47.

Mr Goldthwaite moved to amend mr Clark's amendment with the following: whereas the General Assembly of this State at the last session of the same, duly submitted to the people of the said State, a proposed amendment to the constitution of the said State and whereas the people of this State in the manner and form as provided by the constitution of the State, have accepted the said amendment, which is in the words and figures following. Therefore, be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, two thirds of each House concurring, that the aforesaid amendment to the constitution proposed as aforesaid and accepted by the people as aforesaid, be ratified, and that the same from and after the passage of the resolution be, and form a part of the constitution of the State of Alabama, which was adopted. Mr Clark moved that the resolution be made the special order of the day for to-morrow, which was carried.

Mr Mobley obtained leave to introduce a bill to be entitled, an act to authorize the judge of the county court of Clarke county, to levy a special tax, &c., which was read a first time and ordered to a second reading to-morrow.

Mr Coopwood obtained leave to introduce a bill to be entitled, an act to render uniform the times of holding orphans' courts, which was read a first time and ordered to a second reading to-morrow.

Mr Conner obtained leave to introduce a bill to be entitled, an act to establish a board of internal improvement for the State of Alabama, which was read a first time and ordered to a second reading to-morrow.

On motion of mr Ross, *Resolved*, that the military committee be instructed to inquire into the expediency of embracing in the military law, all school masters, teachers of seminaries of learning, and students of common schools, or public institutions who were exempt from performing military duty by an act of the General Assembly, approved. 11th Jan. 1826.

Mr Morrisett obtained leave to introduce a bill to be entitled, an act to regulate the landing of goods by steam boats and barges, and for other purposes, which was read a first time and ordered to a second reading to-morrow.

Mr Clark obtained leave to introduce a bill to be entitled, an act to review a part of the State road from Montevallo to Greensborough, which

was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith, and ordered to be engrossed for a third reading to-morrow.

Mr Acklen who voted in the majority on the reference of the petition introduced by Mr Smith on Saturday last, moved to reconsider the vote which was carried. Mr Acklen moved that the petition be referred to the committee on county boundaries, which was carried.

Mr Taylor offered the following resolution and preamble: whereas the State of Alabama is intersected by a range of mountains which natural boundary destroys all identity of interest, and whereas this want of a greater community of interest creates great inconvenience to the good people of both sections of the State; therefore, resolved, that a joint select committee of both Houses, the Senate concurring, be appointed to inquire into the expediency of memorializing the government of the United States, and of soliciting the assent of the government of the State of Tennessee, to attach all that part of the now State of Alabama, north of the mountains, to the State of Tennessee. Mr Clark moved that the further consideration be postponed to the first Monday in August next, which was carried. Yeas 37—Nays 25.

The yeas and nays being desired, those who voted in the affirmative are Messrs Speaker, Banks, Bradford, Brodnax, Brown, Byrnes, Clark, Cole, Coleman, Conner, Dennis, Ellis, Flournoy, Forrest, Goldthwaite, Green, Hauss, Hester, Jackson, Jones, Lane, Lawler, Murfrees, Mead, Metcalfe, Mobley, Morrisett, Murphree, Oliver, Parsons, Robinson, Ship, Smith Ward, Weissinger, Williams and Young

Those who voted in the negative are Messrs Acklen, Baker, Bibb, Coopwood, Craig, Dale, Darrett, Fearn, Grigsby, Hodges, Horton, Hudson, King, Ligon, McElderry, Moore, Penn, Philpott, Pope, Rather, Ross, Houston, Roysdon, Russell and Taylor.

And then the House adjourned to 3 o'clock this evening.

At 3 o'clock the House met pursuant to adjournment.

Mr Bradford obtained leave to introduce a bill to be entitled, an act to establish the boundary line between the counties of St Clair and Jefferson, and to repeal an act entitled, an act to alter the boundary line of Jefferson county, which was read a first time and ordered to be read a second time on Sunday next.

A message was received from the Governor, by James I. Thornton.

EXECUTIVE DEPARTMENT, *January 4, 1830.*

The Hon. the Speaker and Members of the House of Representatives;

I have the honour herewith to lay before your honourable body the letter of the secretary of the territory Florida, transmitting a copy of an act of the legislative council of the territory of Florida, passed at their late session, authorizing practitioners of law, resident in Alabama, to practice in the courts of the territory whenever the State of Alabama shall enact a law reciprocating that privilege in her courts, to the practitioners of the territory.

I have the honor to be, &c.

(Signed,)

GABRIEL MOORE.

Ordered, that said communication and the accompanying document be referred to the judiciary committee.

A message from the Senate by G. W. Gayle; mr Speaker: I have been instructed by the Senate to inform the House of Representatives, that they have indefinitely postponed a bill which originated in the House of Representatives entitled, an act to alter the time of holding the circuit courts in the counties of Limestone and Lawrence. They have read three several times and passed bills which originated in the House of Representatives, of the following titles, to wit; an act amendatory of the laws of this

State on the subject of confining prisoners committed upon process from the courts of the United States; an act to regulate proceeding in certain actions of detinue, and an act to change the times of holding the circuit courts in the counties of Henry, Dale, Covington, Baldwin and Mobile, which they have amended by striking out the 4th section, and inserting in lieu thereof another, in which they request the concurrence of your honorable body. They have also read three several times and passed, a bill which originated in their House entitled, an act to emancipate a certain slave therein named, in which they also request the concurrence of your honorable body. Mr Bibb moved that the communication and accompanying bills lie on the table, which was carried.

The joint resolution from the Senate proposing amendments to the constitution of the State of Alabama, so as to have biennial sessions of the General Assembly thereof, was read a third time, and the question being put, shall this resolution pass? it was determined in the affirmative. Yeas 56—Nays 15.

The yeas and nays being desired, those who voted in the affirmative are messrs Acklen, Barclay, Bates, Bibb, Bradford, Brodnax, Brown, Byrnes, Cole, Coleman, Coopwood, Craig, Curtis, Dennis, Durrett, Fearn, Fitts, Flournoy, Goldthwaite, Green, Grigsby, Hester, Hodges, Horton, Hudson, Jackson, Jones, King, Lane, Lawler, Ligon, Mardis, Massey, McElderry, Mead, Metcalfe, Mims, Moore, Morrisett, Murphree, Penn, Philpott, Pope, Rather, Richardson, Rass, Roulston, Roysdon, Russell, Ship, Smith, Taylor, Van Dyke, Ward, Weissinger and Young.

Those who voted in the negative are messrs Speaker, Baker, Banks, Clark, Comer, Cook, Dale, Ellis, Hays, Jack, Mobley, Oliver, Parsons, Robinson and Williams.

Ordered, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

A message from the Senate by G. W. Gayle; mr Speaker: The Senate have adopted the following resolution and request the concurrence of the House of Representatives therein: *Resolved*, with the concurrence of the House of Representatives, that the Senate will assemble in the Hall of the House of Representatives on to-morrow at 10 o'clock, P. M. for the purpose of going into the election of judges of the county courts for Lawrence and Blount counties. They have also read three several times and passed a bill which originated in the House of Representatives entitled an act to establish a turnpike road therein named.

The House again resolved itself into a committee of the whole House on the bill to appoint commissioners for the improvement of the navigation of the Tennessee river, &c. mr Bibb in the chair, and after some time spent in the consideration of the same, the committee rose, and mr Speaker resumed the chair, and mr Chairman reported an amendment, which was concurred in. The committee was then discharged from the further consideration of the bill. Mr Flournoy moved to amend the bill by adding sundry sections thereto. And then the House adjourned to 10 o'clock, to-morrow A. M.

Tuesday, January 5, 1830.

The House met pursuant to adjournment.

A message from the Senate by G. W. Gayle; mr Speaker: The Senate have passed a joint memorial to the Congress of the United States asking relief for the purchasers of public lands, and for other purposes, which originated in their House, and in which they desire the concurrence of the House of Representatives. They have also passed a bill which originated in the House of Representatives, entitled, an act to provide for drawing and compensating jurors to attend on the county courts of Frank-

lin, Morgan, and Lawrence counties and for other purposes, and have amended the same by striking out "Franklin," wherever it occurs in the bill, and by striking out "twenty-four," and inserting "twelve," as the number of jurors to be drawn and summoned, in which amendments they desire your concurrence.

Mr Van Dyke moved to amend the resolution from the Senate proposing to go into the election of judges for the county courts of Lawrence and Blount, by striking out one o'clock, to insert three o'clock this evening, which was carried. The resolution as amended was then adopted.

Mr Massey presented the petition of sundry inhabitants of St. Clair County, praying to establish a new county in Coosa valley, commencing at the mouth of Broken Arrow creek and running a west course to the top of the Back Bone mountain, from thence south as far as the waters of Bees-Wax, in Shelby county, thence east across the Coosa river in the Creek nation, as will constitute a county, which was read and referred to the committee on county boundaries to consider and report thereon.

Mr Ligon, from the judiciary committee, to which was referred a resolution instructing them to inquire into the expediency of repealing so much of the laws now in force as compels the judges of the circuit courts to alternate, reported a bill to be entitled an act to repeal in part a certain act therein named, which was read a first time, and ordered to a second reading to-morrow.

Mr Ligon, from the judiciary committee, to which was referred so much of the Governor's message as recommends the adoption of measures to enforce the collection of subscriptions made to this State by individuals in the town of Tuscaloosa and its neighborhood, reported that in the opinion of the committee it is inexpedient to legislate upon the subject. Mr Moore moved that the report lie on the table, which was carried.

Mr Van Dyke, from the judiciary committee, to which was referred a resolution instructing them to inquire into the expediency of having the laws of this State digested and reduced to a more convenient form than they are at present, and also of the propriety of expunging and discontinuing from said digest such laws and parts of laws as have been repealed, by subsequent acts of the legislature, or are obsolete from the lapse of time and their own limitation, &c. reported that it is inexpedient to legislate upon the subject at this time, in which report the House concurred.

Mr Penn, from the committee on privileges and elections, to which was referred a resolution instructing them to inquire into the expediency of so amending the election law, as to have managers appointed by the county courts, to hold their offices for three years, with power to appoint returning officers, and to exempt them from serving as jurors, reported that it is inexpedient to legislate on the subject, in which report the House concurred.

Mr Forrest, from the committee on roads bridges and ferries, to whom was referred the communication of John Shields, of Dallas county, proposing certain amendments to the road laws of this State, reported that in the opinion of the committee it is inexpedient to legislate on the subject, and ask leave to be discharged from the further consideration thereof, which was granted.

Mr Forrest, from the committee on roads bridges and ferries, to which was referred the petition of sundry citizens of Mobile, Clarke, Marengo, and Washington counties, praying that commissioners may be appointed to view mark and lay out a road from Greensborough to Mobile, reported

a bill to be entitled an act to appoint commissioners to mark and lay out a certain road therein specified, which was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and the rule being farther dispensed with, it was considered as engrossed, read a third time and passed: *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Rather from the committee on propositions and grievances, to which was referred the petition of John Batista Mareven, reported a bill to be entitled an act to emancipate certain slaves therein named, which was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith, and referred to the committee on the state of the republic.

Mr Coopwood, from the committee on county boundaries, to which was referred a bill to be entitled an act to designate a part of the line between the counties of Tusculoo-a and Bibb, reported a substitute in lieu thereof, which was adopted Yeas 34—Nays 30.

The yeas and nays being desired, those who voted in the affirmative are messrs Baker Barclay Clark Cole Coleman Conner Coopwood Craig Dennis Fearn Flournoy Green Hays Hodges Horton Hudson Jackson Lawler Massey Mead Metcalfe Morihree Oliver Parsons Rather Robinson Roulston Roysdon Russell Ship Smith Ward Weissinger and Young.

Those who voted in the negative are messrs Speaker Acklen Banks Bates Bibb Brown Byrnes Cook Curtis Darrett Ellis Fitts Forrest Grigsby Hester Jack Jones Lane Ligon Mardis Mims Moore Penn Philpott Pope Richardson Ross Tucker Van Dyke and Williams.

Mr Williams moved that the bill lie on the table, which was lost. The bill was then ordered to be engrossed for a third reading, and the special order of the day for Monday next.

A message from the Senate by G. W. Gayle. Mr Speaker: The Senate have instructed me to inform your honorable body, that they have concurred in the amendment made by your honorable body to a resolution proposing to go into the election of judges of the county courts of Lawrence and Blount counties on this day at one o'clock. They have also concurred in the amendments made by your honorable body to a joint resolution which originated in their House, proposing amendments to the constitution of the State of Alabama, so as to have biennial sessions of the General Assembly thereof. They have also passed a joint memorial, and bills which originated in their House of the following titles, to wit: joint memorial praying indemnity for losses sustained by the depredations of the Creek Indians; an act to limit the terms of the supreme court; an act making an appropriation for the increase of the supreme court library; an act to authorize justices of the peace to take bail in certain cases; an act to reduce the price of public lands in the counties of Madison and Morgan, to the price of like lands in other counties; an act for the relief of Benjamin Hudson and William Alsobrook; an act to authorise the Guardians of the minor heirs of Samuel Bones deceased, to sell and convey certain real estate; an act allowing to the solicitors of the several circuits, a copy of Minor's reports, in which memorial and bills they request the concurrence of your honorable body. They have also read three several times and passed a joint resolution and bills which originated in the House of Representatives of the following titles, to wit: a joint resolution requiring the offices of the comptroller and treasurer to be examined annually; an act to amend the act relating to the building of a jail in Morgan county; an act for the relief of Andrew O. Horn, tax

collector for Lawrence county, an act for the benefit of Charles King decd. An act to incorporate Marion Academy in Perry county. They have also passed a bill which originated in the Senate entitled an act to repeal in part and amend an act concerning witnesses, passed 10th February 1807, in which they request the concurrence of your honorable body.

Mr Jack obtained leave to introduce a bill to be entitled an act to repeal in part an act entitled an act to alter the boundaries of certain counties therein mentioned, passed December 20th, 1820, which was read and ordered to a second reading to-morrow.

Mr Moore obtained leave to introduce a bill to be entitled an act prescribing the duties of sheriffs and returning officers, in holding elections and returning the votes of all persons voting on the proposed alterations of the constitution of the State of Alabama, in regard to biennial sessions of the legislature, which was read a first time, and ordered to a second reading to-morrow.

Mr Parsons obtained leave to introduce a joint resolution to procure a survey of the proposed canal between the rivers Amoy and Connesauga, and of the rivers Connesauga and Coosa, which was read and adopted. *Ordered*, that the same be sent to the Senate for concurrence. And then the House adjourned to 3 o'clock this evening.

At 3 o'clock the House met pursuant to adjournment.

Mr Richardson obtained leave to introduce a joint resolution proposing an amendment to the constitution of the State of Alabama, which was read a first time, and ordered to a second reading to-morrow.

Mr Flournoy obtained leave to introduce a bill to be entitled an act to annex a part of Green to Pickens, and to ascertain and mark out the dividing line between those counties, which was read and ordered to a second reading to-morrow.

Mr Baker, from the select committee to which was referred an engrossed bill from the Senate entitled an act for the relief of Sally Turner, executrix of Charles H. Turner deceased, reported a substitute in lieu thereof, which was adopted. The bill was then ordered to a third reading to-morrow.

On motion of Mr Ligon: *Resolved*, that the Senate be informed that the House of Representatives is now ready to receive them in its hall for the purpose of going into the election of judge of the county courts of Lawrence and Blount counties. The Senate having repaired to the hall of the House of Representatives, the two Houses then proceeded to the election of a judge of the county court for Lawrence county, James B. Wallace being in nomination.

Those who voted for Mr Wallace, are Mr President, Abercrombie, Conner, Crawford, Edmondson, Evans, Hogan, Hubbard, Jackson, Merriwether, Moore, Morton, Perry, Pickett, Smith, Vining, Walthall, Watkins and Wood. Reps. Mr Speaker, Acklen, Baker, Banks, Bibb, Bradford, Brodnax, Brown, Byrnes, Clark, Cole, Coleman, Conner, Cook, Coopwood, Curtis, Dale, Dennis, Durratt, Ellis, Fearn, Flournoy, Forrest, Goldthwaite, Greene, Grigsby, Hays, Hester, Hodges, Horton, Hudson, Jack, Jones, King, Lane, Lawler, Ligon, Mardis, Massey, McElderry, Metcalfe, Mims, Moore, Morrisett, Murphree, Oliver, Parsons, Penn, Philpott, Pope, Rather, Richardson, Robinson, Ross, Roulston, Roysdon, Russell, Ship, Smith, Taylor, Van Dyke, Ward, Weissinger, Williams and Young.

Mr Wallace having received a majority of votes, Mr Speaker, therefore, declared him duly elected judge of the county court for Lawrence county.

The two Houses then proceeded to the election of a judge of the county court for Blount county, Marston Mead being in nomination.

Those who voted for Mr Mead are Mr President, Abercrombie, Conner, Crawford,

Edmondson, Evans, Hogan, Hubbard, Jackson, Meriwether, Moore, Morton, Perry Pickett, Smith, Walthal and Watkins. Reps. Mr Speaker, Acklen, Baker, Banks, Barclay Bates Bibb, Bradford, Brodnax Brown, Byrnes, Clark, Cole, Coleman, Conner Cook, Coopwood, Craig, Curtis, Dale, Dennis, Durrett, Ellis, Fearn, Flournoy Forrest, Goldthwaite, Green, Grigsby, Hays, Hester, Hodges, Horton, Hudson, Jack Jones, King, Lane, Lawler, Ligon, Mardis, Massey, McElderry, Metcalfe, Mims Mobley, Moore, Morrisett, Murphree, Oliver, Parsons, Penn, Philpott, Pope, Rather, Richardson, Robinson, Ross, Roulston, Roysdon, Russell, Ship, Smith, Taylor, Van Dyke, Ward, Weissinger, Williams and Young.

Mr Mead having received a majority of votes, mr Speaker, therefore, declared him duly elected judge of the county court for Blount county. The Senate withdrew.

The House resumed the consideration of the bill entitled an act to appoint canal commissioners for the improvement of the navigation of the Tennessee river, and for other purposes, being under consideration. Mr Flournoy asked leave to withdraw the amendments offered on yesterday, which was granted. Mr Flornoy then moved to amend the bill by adding thereto sundry additional sections, which was lost. Yeas 11—Nays 58.

The yeas and nays being desired, those who voted in the affirmative are Messrs Speaker, Curtis, Dale, Dennis, Flournoy, Grigsby, Jones, Metcalfe, Richardson, Weissinger and Williams.

Those who voted in the negative are Messrs Acklen, Baker, Banks, Barclay, Bates, Bibb, Bradford, Brodnax, Brown, Byrnes, Clark, Cole, Coleman, Conner, Cook, Coopwood, Craig, Durrett, Fearn, Forrest, Goldthwaite, Green, Hays, Hester, Hodges, Horton, Hudson, Jackson, Jack, King, Lane, Lawler, Ligon, Mardis, Massey, McElderry, Mead, Mims, Moore, Morrisett, Murphree, Oliver, Parsons, Penn, Philpott, Pope, Rather, Robinson, Ross, Roulston, Roysdon, Russell, Ship, Smith, Taylor, Van Dyke, Ward and Young.

Mr Goldthwaite moved to amend the bill by adding thereto an additional section, No. 10, which was lost. Yeas 26—Nays 43.

The yeas and nays being desired, those who voted in the affirmative are Messrs Clark, Coopwood, Dennis, Fitts, Flournoy, Goldthwaite, Green, Grigsby, Hays, Hodges, Horton, Jones, Lawler, Mardis, Massey, Metcalfe, Mims, Mobley, Morrisett, Parsons, Richardson, Robinson, Roysdon, Ward, Weissinger and Williams.

Those who voted in the negative are messrs Speaker, Baker, Banks, Barclay, Bibb, Bradford, Brodnax, Brown, Byrnes, Cole, Coleman, Conner, Cook, Craig, Curtis, Dale, Durrett, Ellis, Fearn, Forrest, Hester, Hudson, Jack, King, Lane, Ligon, McElderry, Mead, Moore, Murphree, Oliver, Penn, Philpott, Pope, Rather, Ross, Roulston, Russell, Ship, Smith, Taylor, Van Dyke and Young.

Mr Fearn moved to amend the 3d section of the bill by inserting after the word "funds" the words "which may have been," which was carried. The bill was then ordered to be engrossed made the special order of the day for Friday next, for its third reading. And then the House adjourned to to-morrow morning at 10 o'clock.

Wednesday, January 6th, 1830.

The House met pursuant to adjournment.

Mr Massey presented the petition of sundry inhabitants of St. Clair county, praying to annex a part of said county to Shelby county, which was read: mr Mardis moved that the petition lie on the table, which was carried.

Mr Mardis presented the petition of sundry inhabitants of Shelby county, praying to be attached to Bibb county, which was read and referred to the representation from Shelby and St. Clair county.

Mr Mardis who voted in the majority on yesterday, on the reference of the petition introduced by mr Massey, moved to reconsider that vote, which was carried. Mr Mardis moved that the petition be referred to the representatives from Shelby and St. Clair counties, which was carried.

Mr Ligon presented the memorial of Edward Prince, praying to remit the amount of rent due from said Prince to the trustees of the university, which was read and referred to the committee on propositions and grievances.

Mr Ship presented the account of the jailer of Fayette county which was read and referred to the committee on accounts.

Mr Lawler presented the petition of sundry inhabitants of Shelby county, praying an alteration of a certain road therein mentioned, which was read and referred to the committee on roads, bridges and ferries.

Mr Taylor, from the military committee, to which sundry resolutions was referred, reported a bill to be entitled an act to amend the militia laws of this State, which was read a first time, and ordered to a second reading to-morrow.

Mr Conner, from the judiciary committee, to whom was referred a bill to be entitled an act to amend an act entitled an act to incorporate the Spring creek navigation company. passed the 29th day of December, 1829, reported that it is inexpedient to pass the bill into a law. Mr Hudson moved that the House disagree to the report of the committee, which was carried. Mr Hudson then moved that the rule requiring bills to be read on three several days be dispensed with, the bill be considered as engrossed, and read a third time forthwith, which was carried: the bill was then read a third time. Mr Hudson moved to reconsider the vote, which was carried. Mr Hudson moved to amend the 2d section of the bill, by striking "one," with a view to insert "two," which was carried. The bill was then put upon its passage, and the question being put "shall this bill pass?" it was determined in the negative. Yeas 25—Nays 45.

The yeas and nays being desired, those who voted in the affirmative are messrs Acklen Byrnes Clark Cole Coleman Cook Coopwood Craig Curtis Dennis Durrett Hays Hester Hodges Horton Hudson Jackson King Lane Massey Metcalfe Russell Ship Smith and Weissinger.

Those who voted in the negative are messrs Speaker Baker Banks Barclay Bates Bibb Bradford Brodnax Brown Conner Dale Ellis Fearn Fitts Flournoy Forrest Goldthwaite Green Grigsby Jack Jones Lawler Ligon mardis McElderry mead mims Mobley Moore murphree Oliver Parsons Penn Philpott Pope Rather Richardson Robinson Ross Roulston Taylor Van Dyke Ward Williams and Young.

Mr Brodnax made the following report: The committee on enrolled bills have examined and found correctly enrolled an act amendatory of the laws of this State on the subject of confining prisoners committed upon process from the courts of the United States; and an act for the benefit of the estate of Charles King, deceased.

Mr Goldthwaite, from the judiciary committee, to which was referred a resolution of this House, instructing said committee to inquire into the expediency of so amending the laws now in force, as to compel sheriffs and other officers who may collect money belonging to the Bank of the State of Alabama to make immediate payment of the same into the State bank, reported, that in the opinion of said committee, the existing laws are amply sufficient for that purpose, and that it is inexpedient to legislate on the subject. Mr Moore moved that the report lie on the table, which was lost. It was then concurred in.

Mr Baker, from the committee on the state of the republic made the following report. Note.—The report here alluded to, was made by Mr Baker on the subject of the tariff, and has been lost or mislaid.

T. B. TUNSTALL.

The same committee reported sundry resolutions, which were concurred in and adopted.

The bill entitled an act to establish the county of ——— and for other purposes, being on its second reading; Mr Massey moved that the bill be indefinitely postponed, which was lost. Yeas 32—Nays 36.

The yeas and nays being desired, those who voted in the affirmative are messrs Banks Barclay Bradford Brown Clark Cole Coleman Conner Coopwood Fitts Forrest Grigsby Hays Hodges Horton Hudson Lane Ligon Massey McElderry Mead Metcalfe Mims Morphree Philpott Rather Ross Russell Ship Ward Weisinger and Young.

Those who voted in the negative are messrs Speaker Acklen Baker Bates Bibb Brodnax Byrnes Curtis Dennis Dorrett Ellis Feara Flournoy Goldthwaite Green Hester Jack Jackson Jones Lawler Mardis Mobley Moore Morrisett Oliver Parsons Penn Pope Richardson Robinson Roulston Roysdon Smith Taylor Van Dyke and Williams.

Mr Mardis then moved that the bill be referred to a select committee, consisting of the representation from the counties of St. Clair and Shelby, to consider and report thereon.

A message from the Senate by G. W. Gayle. Mr Speaker: I have been instructed by the Senate to inform your honorable body that they have read three several times and passed a joint resolution and bills which originated in their House of the following titles, to wit: joint resolution instructing our senators and requesting our representatives in Congress to use their exertions to procure a remission of the duties which may accrue upon the importation of a library and apparatus for the university of Alabama, an act to regulate certain proceedings of county courts; an act to reduce the county tax of Franklin county; an act for the relief of Edmond Prince, in which they request the concurrence of your honorable body.

Mr Robinson obtained leave to introduce a bill to be entitled an act to attach a part of Monroe and Conecuh counties to Wilcox county, which was read a first time.

On motion of Mr Parsons: *Resolved*, That the committee of ways and means be instructed to inquire what per diem pay shall be allowed to the messenger and secretary employed by the committee to investigate the conduct of the commissioners, and what per diem pay and mileage shall be allowed to witnesses appearing before said committee, and to make the necessary provision in the appropriation bill, for the payment of such claims, as well for the printing of the report and evidence furnished this House and the Senate by said committee, and also the expenses of the committee to investigate the conduct of judge Scott, and that the papers in relation to said subject be referred to said committee, and that they make the necessary provision for the payment of such expenses.

Mr Banks made the following report: The committee on enrolled bills have examined and found correctly enrolled an act to establish a turn-pike road therein mentioned.

Mr Forrest from the select committee to whom was referred the petition of sundry citizens of Jefferson county praying the establishment of primary schools auxiliary to the university of the State of Alabama, reported a bill to be entitled an act to authorize and require the trustees of the university of the State of Alabama, to establish preparatory schools, in each judicial circuit of this State, which was read a first time, and ordered to a second reading to-morrow.

A message from the Senate, by G. W. Gayle. Mr Speaker: I am instructed by the Senate to inform your honorable body, that they have read three several times and passed by a majority of two thirds of the Senate, a joint resolution which originated in their House of the following title,

to wit: joint resolution proposing an amendment to the constitution of the State of Alabama, so as to limit the sessions of the General Assembly thereof, in which they request the concurrence of your honorable body.

Mr Pope, from the select committee to which was referred a resolution authorizing the appointment of a select committee for the purpose of drafting a memorial to the Congress of the United States, upon the subject of the public lands advertised by the President of the United States, reported a memorial to Congress upon the subject of public lands. Mr Coleman offered the following instructions: that the report be recommitted to the committee who reported it, with instructions to strike out all that part which by inference or otherwise proposes a suspension of the sales of the lands, and present alone the propriety and justice of making provision for the forfeiters and relinquishers of said lands, and the abolition of the auction system. Mr Speaker moved to amend Mr Coleman's proposition with the following: to request the postponement of the land sales at least twelve months, if the other relief sought for cannot be obtained. And then the House adjourned to 3 o'clock this evening.

At 3 o'clock the House met pursuant to adjournment.

The bill introduced to day by Mr Robinson was ordered to a second reading to-morrow.

Mr Van Dyke, who voted in the majority on the adoption of the resolutions reported by Mr Baker to-day, moved to reconsider the vote, which was carried. Mr Durrett moved to postpone the further consideration till to-morrow, which was carried.

On motion of Mr Acklen: *Resolved*, that a select committee be appointed for the purpose of revising and amending, (if found expedient,) the charter of the town of Huntsville, and report by bill or otherwise. Whereupon messrs Acklen, Fearn, King, Moore, and Penn were appointed said committee.

Memorial to the Congress of the United States upon the subject of public lands was again under consideration. Mr Bibb asked leave to withdraw Mr Coleman's instructions, which was granted. Mr Pope offered an amendment which was adopted. The memorial as amended was then adopted. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Lawler, from the committee on propositions and grievances, to whom was referred the account of Dr. Davis Moore, of St Clair county, also, the account of Ezekiel Henry, late sheriff of Shelby county, reported a bill to be entitled an act to allow certain claims therein named, which was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith, and referred to the committee on accounts.

Mr Roysdon, who voted in the majority on concurring with Mr Coopwood's report on yesterday, on the subject of county boundaries, moved to reconsider the vote which was lost. Yeas 33—Nays 33

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker Acklen Banks Bates Bibb Brown Byrnes Durrett Ellis Fearn Forrest Grigsby Hays Jack Jones King Lane Ligon Mardis Mims Mobley Moore Morphee Oliver Penn Philpott Rather Richardson Ross Roysdon Taylor Van Dyke and Williams.

Those who voted in the negative are messrs Baker Barclay Brodnax Clark Cole Coleman Coopwood Craig Dale Dennis Flournoy Goldthwaite Green Hester Hodges Horton Hudson Jackson Lawler Massey McElderry Metcalfe Morrisett Parsons Pope Robinson Roulston Russell Ship Smith Ward Weissinger and Young.

Mr Rather, from the committee on privileges and elections, to whom

was referred a bill entitled an act to discontinue and establish certain election precincts therein specified, reported as an amendment a bill to be entitled an act to discontinue and establish certain election precincts therein specified, which was read a first time. Mr Rather moved that the bill lie upon the table, which was carried.

Mr Ellis, from the committee on the state of the republic, to which was referred a variety of bills, petitions &c. having for their object the emancipation of slaves, reported a bill to be entitled an act to authorize the emancipation of certain slaves therein named, which was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith. Mr Baker moved to amend the bill by adding thereto an additional section. Mr Coopwood moved to amend Mr Baker's amendment by striking out the words "one hundred and twenty days," with a view to insert "two hundred years." A division of the question being called for, the vote was first taken on striking out and carried. Mr Coopwood moved that the amendment lie upon the table, which was carried.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker Acklen Barclay Bates Brodnax Brown Byrnes Clark Cole Conner Coopwood Craig Curtis Dale Dennis Durrett Ellis Fearn Fitts Forrest Grigsby Hays Hester Hodges Horton Jackson Jones King Ligon Mardis McElderry Mims Moore Murphree Philpott Pope Rather Richardson Robinson Ross Roysdon Russell Smith Taylor Ward Weissinger and Young—47.

Those who voted in the negative are messrs Baker Banks Bibb Bradford Coleman Cook Flournoy Goldthwaite Green Hudson Jack Lane Lawler Massey Metcalfe Mobley Morrisett Oliver Parsons Penn Roulston Ship and Williams—23.

Mr Morrisett moved that the further consideration of the bill be postponed till the first day of March next, which was lost. It was then ordered to be engrossed for a third reading to-morrow.

A message from the Senate by Mr Gayle. Mr Speaker: I am instructed by the Senate to inform your honorable body that they have read three several times and passed a bill which originated in your House of the following title: an act to alter the time of holding the circuit courts in the counties of Limestone and Lawrence, and have amended the same, by striking out all the first section of the bill after the enacting clause, and inserting in lieu thereof two sections which will be found annexed to the bill, in which they desire the concurrence of your honorable body. the title of said bill they have amended as follows: "strike out the title and insert the following, 'an act to alter the time of holding the circuit courts in certain counties therein named,'" in which they also desire your concurrence.

Mr Goldthwaite from the judiciary committee, to which was referred a bill from the Senate entitled, an act the more effectually to prevent judges of the circuit and county courts from charging juries on matters of fact, and the better to secure the right of trial by jury, reported the same without amendment, and in the opinion of the said committee, it is inexpedient to pass the same into a law. Mr Mardis moved that the bill be indefinitely postponed, which was carried. Yeas 36—Nays 32.

The yeas and nays being desired, those who voted in the affirmative are Messrs Speaker, Barclay, Bradford, Brown, Clark, Curtis, Dale, Dennis, Ellis, Fearn, Fitts, Forrest, Green, Hays, Hester, Jones, Lawler, Mardis, McElderry, Metcalfe, Mims, Moore, Morrisett, Murphree, Parsons, Philpott, Rather, Richardson, Robinson, Ross, Roulston, Russell, Van Dyke, Ward, Weissinger and Williams.

Those who voted in the negative are Messrs Acklen, Baker, Banks, Bibb, Brodnax, Byrnes, Cole, Coleman, Conner, Cook, Coopwood, Craig, Durrett, Flournoy

Goldthwaite, Grigsby, Hodges, Horton, Hudson, Jack, Jackson, King, Lane, Ligon, Massey, Mobley, Oliver, Pope, Roysdon, Ship, Smith, and Young.

And then the House adjourned till half past six o'clock this evening.

At half past six o'clock, p. m. the House met pursuant to adjournment.

Mr Goldthwaite moved that the House adjourn to ten o'clock to-morrow, A. M., which was lost. Yeas 23—Nays 30.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker, Acklen, Brodnax, Byrnes, Cook, Curtis, Dale, Ellis, Flournoy, Forrest, Goldthwaite, Grigsby, Horton, Mims, Mobley, Oliver, Pope, Richardson, Roysdon, Taylor, Van Dyke, Ward, and Young.

Those who voted in the negative are messrs Barclay, Bibb, Bradford, Brown, Cole, Coleman, Craig, Dennis, Durrett, Green, Hays, Hodges, Hudson, Jackson, Jones, King, Lane, Lawler, McElderry, Metcalfe, Moore, Morrisett, Parsons, Philpott, Robinson, Roulston, Ship, Smith, Weissinger and Williams.

Mr Mobley then moved that the House adjourn to half past nine o'clock to-morrow, A. M., which was carried.

Friday, January 7th, 1830.

The House met pursuant to adjournment.

Mr Parsons availed himself of the constitutional privilege of spreading on the journal, his reasons for voting against the passage of the joint resolution from the Senate, proposing amendments to the constitution of the State of Alabama, so as to have biennial sessions of the General Assembly thereof, which is as follows: The undersigned having in the House of Representatives, voted against the joint resolutions, proposing to the people, amendments to the constitution, so that biennial sessions of the Legislature should be held, respectfully assigns the reasons which influenced him in the giving of such vote, they are the following: 1st. The resolutions propose to change the time for which Senators shall be elected, to four, instead of three years, and for which Representatives shall be elected, to two years; a measure, in the conception of the undersigned, highly dangerous, impressed as he is, with the belief, that every degree of removal from accountability in the representative to the constituent, in a proportionate degree, opens the way to corruption. As in this State, both the senator and representative represent the same interest, therefore, there can exist no reason why the one should be elected for a longer period than the other; though it will be admitted, that in some of the States, there is a difference in this respect; the *senators*, representing the *sovereignty and property* of the *State*, and the *representatives*, the *people* of the State. Such is not however, the characteristic of *our* constitution. The only difference in the opinion of the undersigned, that ought to exist between senators and representatives, which difference should be left to the people themselves in their selections alone to create, is, that the senate, as a body, should be composed of individuals of an age more mature, and who, beside respectability of talent, might be supposed to be endowed with whatsoever advantage soberness of discretion, stability and experience, might naturally be expected to bestow.

The only State known to me, in which the sessions of the legislature are held biennially, is that of Tennessee, and there, both branches of the legislature represent the same interest, and have allotted to them the same period of service. The undersigned remembers that last year, an amendment of a character somewhat similar being proposed, he voted for it; there was however, this difference, in *that*, the term of service of the senator, was limited to *two* years, in *this*, it is extended to *four*; had it been four, he would, last year, as he has done this, have entered his vote on record against it; and upon a review of that vote, he cannot but feel persuaded.

ed, that he was in error; the more so, inasmuch as no State in the Union, with the solitary exception of Tennessee, has biennial sessions of its legislature. Had the policy pursued in Tennessee, in this particular, be found to be a wholesome one, had it been fraught with beneficial effects, seeing that it has been the fundamental law of that State, ever since the year 1796, it would most assuredly have been followed, or proposed to be adopted by others; but the reverse is true: Called sessions, equalling in number nearly half as many as the *regular* ones, and sessions a third longer in extent of time, are some examples of the evil of its results. Our sessions, have perhaps, been too long, but in a new, and infant country, little less was to have been expected. When our State had progressed to a more advanced and firmer age, this grievance in all probability, would no longer have existed.

Another objection is, that as the legislative department of this State consists of the two Houses of the General Assembly, and the executive branch, if the legislature is to assemble only once in two years, the duties of the government must consequently devolve, in the recess, entirely upon the *person* of the Governor, who will have the selection of all officers, in cases of vacancies that may occur, and appointments so made, might not unfrequently be of longer duration than would be desirable. If the Governor, moreover, should ever become corrupt, he would be armed with more capability, and greater power to do mischief, than the undersigned, and as he feels well assured, the good republican people of this commonwealth, would be willing to confer on him.

The condition of the Bank is another cogent reason why annual sessions of the legislature should be holden. The capital, is not the property of the State, and amounts to half a million of dollars, including the loan first made, the three per cent fund, the university fund, the monies of sixteenth sections, besides the ordinary revenue of the State; the whole of which is guaranteed by the State to the true owners; in addition to which will be the money raised by the sale of the four hundred thousand acres of land, granted to the State for internal improvement. The president and directors of the Bank, have no individual interest in it; the president alone, has a small salary. Thus, although a useful institution, if its affairs are to be examined into only once in two years by the legislature, its best interests, as well as those of the State, in the opinion of the undersigned, may be jeopardized and endangered; and if the proposed amendment takes place, the charter of the Bank must likewise be altered; so too must several other laws.

Another objection is, that senators in Congress must sometimes be elected twelve or eighteen months before the term for which they may have already been chosen expires; this will place them, notwithstanding that their term is limited to *six years*, *seven years* beyond the reach of the people; the good policy of which may very justly be doubted.

Again, although our constitution is as yet scarcely ten years old, more than as many attempts, have within that length of time been made to alter it. One effort the undersigned has witnessed, which, so far as he was informed, originated altogether in the legislature, without any call or desire expressed by the people; this was successful, was carried through both Houses, submitted to the people and ultimately ratified; when the people generally, neither desired, nor solicited it, but were excited and drilled to vote by intermeddling and busy politicians, whereby the independence of the judiciary, the best part of any government, has been diminished: the undersigned, when the vote on this subject was taken, himself, saw men

come to the polls, who being required to vote, then, for the first time, took it under consideration, observing that they had not before reflected on it; and this, the undersigned believes to have been the condition of a majority of those who voted on it. If we thus continue to progress, the constitution of the State, that sacred instrument, by which our lives, our liberty, our property, and character, should have been protected by frequent attempt at amendment, and innovation, will be no more respected than a common statute, and acquire to itself but little of the reverential weight of age, or reverence on account of duration: repeated alterations or endeavours to amend instruments of this sort, which when once adopted, should not for light or trival causes be entrenched upon, ever conduct to confusion. Laws to ensure a right understanding and respect, should be stable; by frequency of alteration and change, they can neither be well understood nor confided in.

Written constitutions owe their origin to America; they sprung into existence among the States of this Great Union, and were in general so admirably framed, as at once to rid the people of the inconvenience arising out of the turbulence of democracy in its purity, or a pure democracy, and to shield them from oppression, and aristocracy; and having been once framed and adopted as a paramount system of rules by the people, they ought not, inconsiderately to be changed, nor unless the evil were a strong one, and then only by the wish of the people themselves, not by the caprice of their servants. In this particular instance, not a solitary petition has been introduced, nor from his constituents, has the undersigned received instruction; they sent him here to aid in the making of *ordinary laws*, not to make or remodel a *constitution*. Feeling assured, as he does, that the contemplated change would not be fraught with benefit to the people, but on the contrary, remove their servants further from accountability, the undersigned enters *this*, his protest: in the doing of which, he nevertheless extends the most profound respect to the opinion of others, and would by no means, be at the same time, understood to insist upon the infallibility of his own.

Jan. 6th, 1830.

ENOCH PARSONS.

I concur in the above protest, with the exception, that I have uniformly been opposed to biennial sessions.

WM. MOBLEY.

I concur in the above, with the exception, that I had not the honor of a seat in the legislature last year.

MOSLEY BAKER.

Mr Van Dyke presented the petition of sundry inhabitants of Dallas county, praying the passage of a law to give or sell to the citizens of said county, the old State House, in the town of Cahawba, for the purpose of holding court, which was read and referred to a select committee consisting of messrs Van Dyke Taylor and Moore, to consider and report thereon.

Mr Conner from the judiciary committee to whom was referred, a bill to be entitled, an act amendatory of an act prescribing the mode of executing original process, reported that it is inexpedient to pass such a bill into a law. Mr Coopwood moved that the bill and report be indefinitely postponed, which was carried.

Mr Goldthwaite from the judiciary committee to which was referred a resolution instructing the said committee to inquire into the expediency of so amending the laws of this State, relative to the sale of lands under writs of fieri facias, as to reserve one third part of said lands, for the use of the wife, reported, that in the opinion of the said committee, it is inexpedient to legislate on this subject, and ask leave to be discharged from the further consideration of the subject, in which report the House concurred.

Mr Baker from the committee on the state of the republic, to which was referred bills and resolutions to emancipate slaves, reported a bill to be entitled, an act to prevent the emigration and settlement of free negroes in this State, which was read. Mr Coopwood moved that the bill lie on the table till the 1st day of March next, which was carried.

Mr Roysdon from the judiciary committee, to which was referred a resolution instructing them to inquire into the expediency of passing a law mitigating the punishment for the crime of forgery, and so much of the Governor's message as relates to a revision of the criminal law, reported a bill to be entitled, an act to mitigate the punishment for the crime of forgery, which was read and ordered to a second reading to morrow.

Mr Clark from the committee on county boundaries; to whom was referred a petition of sundry citizens of Marion county, residing in the 14th township, 12th range west, of the basis meridian of Huntsville, praying that the residue of said township may be added to Fayette county, reported a bill to be entitled, an act to add the residue of the 14th township, 12th range, west of the basis meridian of Huntsville, from the county of Marion to the county of Fayette, which was read a first time and ordered to a second reading to-morrow.

Mr Clark made the following report: The committee on county boundaries, to whom was referred a resolution to inquire into the expediency of establishing the boundary line between the counties of Tuscaloosa and Bibb, as follows: running from the head of Big Sandy Creek to a large bluff where Caffers' Creek passes through the Sand mountain, in the most direct route, so as to include James Hill, in the county of Bibb, thence along said mountain to Gillepie's mill, thence to the point where the county lines of Tuscaloosa, Jefferson, Shelby and Bibb, intersect with leave to report by bill or otherwise, have according to order had said resolution under consideration and have instructed me to ask leave to be discharged from the further consideration of said resolution, which was granted.

Mr Clark made the following report: The committee on county boundaries, to whom was referred a resolution instructing them to inquire whether Bibb county contains as much territory as required by the constitution, and what quantity of territory has been taken from Bibb and added to Perry county, have according to order, had the same under consideration and have instructed me to report, that Bibb county does not contain as much territory as is required by the constitution, but that said county lacks thirty-three sections of being constitutional. The committee further report, that by the passage on the 20th December, 1820, of an act entitled, an act to alter the boundaries of certain counties therein mentioned, about two townships of the territory of the county of Bibb was added to the county of Perry, which addition reduced Bibb below her constitutional limits. Mr Clark moved the report lie on the table, which was carried.

Mr Goldthwaite from the judiciary committee, to which was referred a resolution instructing the said committee to inquire into the expediency of amending the laws respecting the annual examination of the offices of clerks of the circuit and county courts, &c., reported a bill to be entitled an act the better to provide for the examination of the offices of the clerks of the circuit and county courts of this State. which was read a first time and the rule requiring bills to be read on three several days being dispensed with it was then read a second time forthwith and the rule being further dispensed with, the bill was considered as engrossed, read a third

time and passed. *Ordered*, that the title be as aforesaid; *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Conner from the judiciary committee to which was referred the resolution directing them to take into consideration so much of the Governor's message as relates to the legality of the proceedings of the commissioners who were appointed to select class and value the 400,000 acres of land granted to this State for internal improvement, the legality of opening the registers office, the extent to which the State is bound by the acts of the said commissioners and the register of said office, reported, that from the facts and evidence exhibited in the report of the committee appointed to investigate the conduct of the said commissioners, it is unnecessary and inexpedient to legislate upon the subject at this time; in which report the House concurred.

Mr Conner from the judiciary committee to which was referred a resolution directing them to inquire into the expediency of revising, amending and consolidating the fees paid to the several officers of the State and counties, reported, that it is inexpedient at this time to legislate any further upon the subject; in which report the House concurred.

Mr Rather from the committee on privileges and elections, to which was referred the bill from the Senate entitled an act supplemental to an act passed 14th of December, 1827, prescribing the mode of contesting elections reported the same with sundry amendments, which were concurred in; the bill was then read a third time and passed. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Rather from the committee on privileges and elections, to which was referred the petition of sundry citizens of that part of Clarke county, taken from the county of Monroe, by an act passed at the last session of the legislature, claiming the right to vote with the citizens of Monroe, at their general elections; reported, that the constitution secures to every free white man, with certain exceptions and restrictions, the right of suffrage, and without such qualifications they cannot be permitted to exercise the privilege, they therefore consider legislation on the subject unnecessary, and ask leave to be discharged from the further consideration thereof, which was granted.

Mr Goldthwaite from the committee on the state of the republic, to which was referred so much of the Governor's message as relates to the pecuniary embarrassments of the agricultural interests of the State, the auction system of disposing of public lands, and the system of graduated prices for the same; reported, that the subjects referred to them by the aforesaid resolution, have already been acted on by the House, they therefore ask leave to be discharged from the further consideration of the same, which was granted.

Mr Clark made the following report: The committee on county boundaries, to whom was referred a bill to be entitled, an act to annex from the county of Tuscaloosa to the county of Bibb, so much territory as will give to Bibb county her constitutional limits, have according to order had the same under consideration and have instructed me to report the same without amendment. Mr Clark moved that the report lie on the table, which was carried.

Mr Clark made the following report: The committee on county boundaries, to whom was referred sundry petitions from the county of Bibb praying for the annexation of that part of Perry county to the county of Bibb, which in 1820, was taken from Bibb and added to Perry, or else for the annexation of territory from the county of Autauga to Bibb county, to

give her a constitutional limit; as also, sundry petitions of sundry citizens of said county, praying that territory may be added from the north and northwest, to that county, to give said county its constitutional limits, as also, praying that Centreville may continue to be the permanent seat of justice for Bibb county, have according to order had said petitions under consideration, and have instructed me to ask leave to be discharged from the further consideration thereof. Mr Jack moved that the report lie on the table, which was carried.

Mr Moore, from the committee on lands appropriated for internal improvement, to which was referred so much of the Governor's message as relates to that subject, reported a bill to be entitled an act prescribing the duties of the register of the land office at Courtland, and for other purposes, which was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith: Mr Pope offered an amendment, which was adopted; and the rule being further dispensed with, it was considered as engrossed, and read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Ellis, from the judiciary committee, to which was referred so much of the Governor's message as relates to the state of the laws, and so much as relates to an increase of the salaries of the circuit court judges and solicitors, and so much as recommended certain additional duties to be required of solicitors, report that it is inexpedient to legislate on any of the subjects therein mentioned, and ask leave to be discharged from the further consideration thereof. The same committee, to which was referred a bill to be entitled an act to reduce the pay of judges of the circuit courts hereafter to be elected in this State, have instructed me to report the same without amendment, and that in the opinion of said committee, it is inexpedient to pass said bill. The question was on concurring with the report, and Mr Coopwood called for a division: the first part of the report was concurred in. Mr Mardis moved that the balance of the report and bill be postponed until the first day of march next, which was carried. Yeas 59—Nays 7.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker Acklen Baker Banks Barclay Bates Bibb Bradford Brodnax Brown Byrnes Cole Cook Craig Curtis Dale Dennis Durrett Ellis Fearn Fitts Flournoy Forrest Goldthwaite Green Grigsby Hays Hester Heddon Jack Jackson King Lane Lawler Ligon Mardis McElderry Mead Minis Mobley Moore Morrisett Murphree Oliver Parsons Penn Pope Richardson Robinson Ross Roulston Roysdon Russell Ship Van Dyke Ward Weissinger Williams and Young.

Those who voted in the negative are messrs Coopwood Hodges Jones Metcalfe Philpott Rather and Smith.

Mr Ligon made the following report: The committee on enrolled bills have examined and found correctly enrolled a bill entitled an act to incorporate Marion academy in Perry county.

Mr Craig, from the select committee to whom was referred the petition of sundry citizens of the county of Lauderdale, praying relief from certain grievances therein mentioned, reported a bill to be entitled an act to authorize the commissioned officers of the 11th regiment of the Alabama militia, to fix a regimental muster ground, which was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith, and the rule being further dispensed with, the bill was considered as engrossed, read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr. Pope, from the select committee to which was referred a joint remonstrance on the subject of instructions given from the treasury department relative to the funds receivable for public lands, reported that it was deemed inexpedient to embody any part of said joint remonstrance in the memorial to Congress that has been reported by said committee, and, therefore, ask leave to be discharged from the further consideration of the subject, which was granted.

Mr. Moore, from the joint committee to examine into the affairs of the bank, asked leave of absence of said committee during the sessions of this House.

Mr. Russell, from the select committee to whom was referred the petition of sundry citizens of Jackson county, praying for a turnpike road leading from Gunter's landing through the Cherokee nation to Ashville, in St. Clair county, reported that it is inexpedient to legislate on the subject, in which report the House concurred.

On motion of Mr. Lawler: *Ordered*, that messrs Goldthwaite and Parsons be added to the special committee appointed on the bill to establish the county of ———, introduced by Mr. Mardis.

Mr. Van Dyke obtained leave to introduce a bill to be entitled an act to alter the boundaries of Dallas and Montgomery counties, which was read a first time, and ordered to a second reading to-morrow.

Mr. Baker obtained leave to introduce a bill to be entitled an act to authorise Henry Lucas and others to turnpike a road therein named, which was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was forthwith read a second time, and referred to the representatives from Montgomery and Pike counties, to consider and report thereon.

Mr. Coopwood obtained leave to introduce a bill to be entitled an act to provide for the preservation of the State Capitol, which was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was forthwith read a second time. Mr. Lawler moved to strike out the second section of the bill, which was carried. Mr. Jack then moved to amend the bill by an additional section No. 2, which was carried. Mr. Morrisett now moved to strike out the words "treasurer and comptroller," which was lost. The bill was then considered as engrossed. Mr. Conner moved that the bill lie on the table till to-morrow, which was carried.

Mr. Penn called up the bill entitled an act to discontinue and establish certain election precincts therein specified, which was read a second time. Mr. Taylor moved to amend the bill by adding the words "and one at Tarrow's mill," which was carried. The bill was then referred to the committee on privileges and elections.

Mr. Flournoy moved that the bill entitled an act to extend the jurisdiction of the State of Alabama over the Indian territory lying within the limits of said State, and for other purposes, be made the special order of the day for to-morrow, which was carried.

The bill entitled an act the better to insure the safe keeping of the public arms, was read a second time, and referred to the military committee.

The bill entitled an act to designate the boundaries of Jackson county, was read a second time, and referred to the committee on county boundaries.

Mr. Moore presented the account of Dandridge Faris, which was read and referred to the committee on accounts.

Mr. Craig obtained leave to introduce a bill entitled an act to legalize

registering certain deeds and conveyances of lands in this State, which was read a first time, and ordered to a second reading to-morrow.

Mr Morrissett obtained leave to introduce a bill entitled an act to alter the mode of paying jurors in Monroe county, which was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was forthwith read a second time, and ordered to be engrossed for a third reading to-morrow.

Mr Ligon obtained leave to introduce a bill to be entitled an act to amend an act authorizing Wyatt Cheatham to cut out and establish a turnpike road, which was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was forthwith read a second time; and the rule being further dispensed with, it was forthwith read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The bill from the senate entitled an act to incorporate the trustees of the Sims' female academy in the town of Tuscaloosa, was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and the rule being further dispensed with, it was forthwith read a third time. Mr Clark moved to amend the bill with a proviso, by way of engrossed ryder, which was carried. Mr Hudson moved to amend the bill further with a proviso by way of engrossed ryder: Mr Philpott moved to amend Mr Hudson's amendment by striking out the word "repeal," which was carried. Mr Hudson's amendment was then adopted. And the question being put, "shall this bill pass?" it was determined in the affirmative. Yeas 65—Nays 1.

The Yeas and nays being desired, those who voted in the affirmative are messrs Speaker Acklen Baker Banks Barclay Bradford Brodnax Brown Byrnes Clark Cole Coleman Connet Coopwood Craig Curtis Dale Dennis Durrett Ellis Fearn Forrest Giddihwaite Green Grigsby Hays Hester Hodges Horton Hudson Jack Jackson Jones King Lane Lawler Ligon mardis massey m'Elderry mend metcalfe Mobley moore Morrissett Morphee Oliver Parsons Penn Philpott Pope Rather Richardson Robinson Ross Roulston Roysdon Russell Ship Smith Taylor Van Dyke Ward Weissinger Williams and Young.

Mr Flournoy voted in the negative

A message from the Senate by G. W. Gayle; Mr Speaker: I am instructed by the Senate to inform your honorable body that they have read three several times and passed a joint memorial which originated in the House of Representatives entitled a joint memorial requesting a grant of land by the Congress of the United States for the use of a female academy, in each county of this State. They have also read three several times and passed bills which originated in their House entitled an act to authorize James Davis and associates to turnpike a certain road therein named, and an act for the relief of Henry Sossaman, in which they request the concurrence of your honorable body.

Mr Ellis made the following report: The committee on enrolled bills have examined and found correctly enrolled an act to authorize the register of the land office at Courtland to correct certain errors in the return of the land commissioners; an act to authorize the courts of this State to render final judgement against the security of non residents for costs: an act to change the name of William Tankersly to that of William Parmer; an act to give the circuit courts of this State power to render judgements final against the security in writs of error bonds, all of which originated in the Senate. They have also examined and found correctly enrolled acts of the following titles. to wit: an act to amend an act to authorise the building of a jail in Morgan county; an act for the relief of Andrew O.

Horn, tax collector for Lawrence county, and a joint resolution requiring the offices of the comptroller and treasurer to be examined annually, which originated in this House.

A message from the Senate by G. W. Gayle. Mr Speaker: The Senate have read three several times and passed a bill which originated in the House of Representatives, entitled an act further to provide for the location of the seat of justice in Pickens county, and have amended the same by striking out the word "three," where it occurs in the first section and inserting in lieu thereof the word "four," in which they desire your concurrence. They have also read three several times and passed a bill which originated in the Senate, entitled an act further to relieve insolvent debtors, in which they desire your concurrence.

Mr Ross, who voted in the majority on the indefinite postponement of the bill from the senate entitled an act more effectually to prevent judges of the circuit and county courts from charging juries in matters of fact, and the better to secure the right of trial by jury, moved to reconsider that vote which was carried. And then the House adjourned to 3 o'clock this evening.

At 3 o'clock the House met pursuant to adjournment.

Mr Richardson obtained leave to introduce a bill to be entitled an act concerning slaves, which was read a first time, and ordered to a second reading to-morrow.

Bills from the Senate of the following titles, to wit: An act to authorize justices of the peace to take bail in certain cases; an act to limit the terms of the supreme court; an act to emancipate a certain slave therein named; joint resolution proposing an amendment to the constitution of the state of Alabama, so as to limit the sessions of the General Assembly thereof; an act to extend the limits of Monroe county, and to designate the dividing line between the counties of Monroe and Clarke, were severally read a first time, and ordered to a second reading to-morrow.

Joint memorial, from the Senate, to the Congress of the United States asking relief for the purchasers of public land, and for other purposes, was laid on the table.

Ordered, that the House concur in the amendments made by the Senate to the bill entitled an act to change the times of holding the circuit courts in the counties of Henry, Dale, Covington, Baldwin, and Mobile. *Ordered*, that the clerk acquaint the Senate therewith.

Joint memorial from the Senate praying indemnity for losses sustained by the depredations of the Creek Indians was adopted, *Ordered*, that the clerk acquaint the Senate therewith.

Engrossed bill from the Senate, entitled an act making an appropriation for the increase of the supreme court library, was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith. Mr Coopwood moved to strike out the word "five," before the word "hundred," which was lost. And the rule being further dispensed with, it was read a third time forthwith and passed. Yeas 35—Nays 32.

The yeas and nays being desired, those who voted in the affirmative are Messrs Speaker, Acklen, Baker, Bates, Bibb, Clark, Coleman, Conner, Cook, Curtis, Dale, Durrett, Ellis, Fearn, Flournoy, Green, Hays, Jack, King, Lane, Lawler, Ligon, Mardis, Mims, Mobley, Moore, Morrisett, Oliver, Parsons, Penn, Pope, Richardson, Ross, Roysdon, and Williams.

Those who voted in the negative are Messrs Barclay, Bradford, Brodnax, Brown, Byrnes Cole, Coopwood, Craig, Dennis, Forrest, Grigsby, Hester, Hodgson, Horton, Hudson, Jackson, Jones, Massey, McElderry, Metcalfe, Murphree,

Philpott, Rather, Robinson, Roulston, Russell, Ship, Smith, Taylor, Ward, Weissinger, and Young

Ordered that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

A message was received from the Governor, by James I. Thornton. Mr Speaker: The Governor did, on this day approve and sign the following bills; an act to establish a turnpike road therein mentioned; an act for the benefit of the estate of Charles King, deceased; and an act amendatory of the laws of this State on the subject of confining prisoners committed upon process from the courts of the United States; all of which originated in the House of Representatives.

The bill from the Senate entitled, an act to reduce the price of public lands in the counties of Madison and Morgan, to the price of like lands in other counties, was read a first time, and the rule requiring bills to be read on three several days being dispensed with, the bill was then read a second time forthwith. Mr Horton moved to amend the bill by way of proviso, which was lost. Mr Fearn moved to strike out the 1st section of the bill with a view to insert another in lieu thereof; a division of the question being called for, the vote was first taken on striking out and lost. Yeas 30—Nays 40.

The yeas and nays being desired, those who voted in the affirmative are messrs Acklen, Banks, Barclay, Bates, Bradford, Brodnax, Brown, Byrnes, Cole, Coopwood, Darrett, Fearn, Forrest, Horton, Jack, Jones, King, Lawler, Ligon, Mims, Moore, Morrisett, Oliver, Penn, Roulston, Roysdon, Russell, Smith, Ward and Weissinger.

Those who voted in the negative are messrs Speaker, Baker, Bibb, Clark, Coleman, Conner, Cook, Craig, Curtis, Dennis, Ellis, Fitts, Flournoy, Goldthwaite, Green, Grigsby, Hays, Hester, Hodges, Hudson, Jackson, Lane, Mardis, Massey, McElderry, Metcalfe, Mobley, Morphree, Parsons, Philpott, Pope, Rather, Richardson, Robinson, Ross, Ship, Taylor, Van Dyke, Williams and Young.

Mr Parsons moved to amend the bill by inserting after the word "from" in 1st section 2d line, the words "each of three of the companies," which was carried.

Mr Flournoy moved that the further consideration thereof be postponed to the 1st day of March next, which was lost. Yeas 22—Nays 46.

The yeas and nays being desired, those who voted in the affirmative are Messrs Acklen, Bradford, Brown, Curtis, Ellis, Flournoy, Forrest, Green, Grigsby, Jones, King, Lawler, Metcalfe, Moore, Morrisett, Morphree, Penn, Roysdon, Smith, Taylor, Weissinger, and Young.

Those who voted in the negative are Messrs Speaker, Baker, Banks, Barclay, Bates, Bibb, Brodnax, Byrnes, Clark, Cole, Coleman, Conner, Cook, Coopwood, Craig, Dale, Dennis, Darrett, Fearn, Fitts, Goldthwaite, Hays, Hester, Hodges, Horton, Hudson, Lane, Ligon, Mardis, McElderry, Mims, Mobley, Oliver, Parsons, Philpott, Pope, Rather, Richardson, Robinson, Ross, Roulston, Russell, Ship, Van Dyke, Ward and Williams.

Mr Fearn moved to amend the first section of the bill by way of proviso, which was lost. Mr Ligon moved to amend the same by way of proviso, which was carried. It was then referred to a select committee consisting of messrs Philpott, Bibb, and Rather.

The bill from the Senate entitled an act for the relief of Benjamin Hudson and William Mosbrooks, was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and the rule being further dispensed with, it was read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered* that the clerk acquaint the Senate therewith.

The bill from the Senate entitled an act to authorize the guardians

the minor heirs of Samuel Bones deceased, to sell and convey certain real estate, was read a first time and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith and referred to the judiciary committee.

Bills from the Senate of the following titles, to wit: an act to repeal in part and amend an act concerning witnesses, passed 10th February 1807; and an act allowing to solicitors of the several circuits a copy of Minor's reports were severally read. Mr Clark moved that they be indefinitely postponed, which was carried.

Mr Hudson moved that the House disagree to the amendments made by the Senate to the bill entitled an act to provide for drawing and compensating jurors to attend on the county courts of Franklin, Morgan and Lawrence counties, and for other purposes.

Mr Bibb moved that the House adjourn until to-morrow morning, at half past nine o'clock, which was carried. Yeas 42—Nays 28.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker Acklen Banks Bates Bibb Bradford Brodnax Brown Byrnes Conner Curtis Dale Dennis Ellis Fearo Fitts Flournoy Forrest Goldthwaite Grigby Hays Hester Hudson Jack King Lawler Mardis Massey McElderry Sims Monflore Parsons Penn Philpott Pope Richardson Robinson Roulston Roysden Russell Ward and Williams.

Those who voted in the negative are messrs Baker Barclay Clark Cole Coleman Cook Coopwood Craig Durrett Green Hodges Horton Jackson Jones Lane Ligon Metcalf Mobley Moore Morrisett Oliver Rather Ross Ship Smith Taylor Weissinger and Young.

Friday, January 8th, 1830.

The House met pursuant to adjournment.

Mr Speaker laid before the House a communication from the Warrior Guards, which was read, and laid on the table, at the instance of Mr Taylor.

Mr Taylor moved, that when the hour of 12 o'clock shall arrive, the House then adjourn to the hour of 3 o'clock, which was carried.

Mr Williams presented the account of William G. Parish, which was read and referred to the committee on accounts.

Mr Flournoy presented the account of B. G. Sims, which was read and referred to the committee on accounts.

Mr Massey presented the petition of sundry inhabitants of St. Clair county, remonstrating against a division of said county, which was read and laid on the table.

Mr Mardis presented the petition of sundry inhabitants of Shelby, relative to a certain road therein named, which was read, and referred to the committee on roads bridges and ferries.

The Speaker laid before the house a communication from Henry Minor, relative to the publication of the decisions of the supreme court, which was read and referred to the judiciary committee.

Mr Taylor, from the military committee to which was referred the bill entitled an act, the better to insure the safe keeping of the public arms, reported the same without amendment. The committee are of opinion that such a law is expedient. And the rule requiring bills to be read on three several days being dispensed with, the bill was considered as engrossed, and read a third time. Mr Durrett moved that the bill be postponed to the first day of the next session of the General Assembly, which was lost. Yeas 28—Nays 33.

The yeas and nays being desired, those who voted in the affirmative are messrs Barclay Bradford Brodnax Brown Clark Cole Craig Dennis Durrett Flournoy

Goldthwaite Green Horton Jones Lawler Mardis Massey McElderry Metcalfe Parsons Rather Richardson Roulston Russell Ship Smith Van Dyke and Weissinger.

Those who voted in the negative are messrs Speaker Acklen Baker Banks Bates Bibb Byrnes Coleman Cook Dale Fearn Fitts Forrest Grigsby Hays Hester Hodges Jack King Lane Ligon Mims Morrisett Murphree Oliver Penn Philpott Pope Robinson Ross Roysdon Taylor and Williams.

The bill was then passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for concurrence.

Mr Van Dyke, from the select committee to which was referred the petition of sundry inhabitants of Dallas county, praying that the State of Alabama would sell to said county the old state house in the town of Cahawba, for a court house for said county, reported a bill to be entitled an act to authorize the State to dispose of the old state house in the town of Cahawba, which was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith. Mr Coopwood moved to amend the bill by striking out the word "sell," which was carried. Mr Coopwood moved to fill the blank with the word "give." The bill was recommitted to the committee that reported it.

Mr Baker, from the select committee to which was referred a bill entitled an act to authorize Henry Lucas and others to turnpike a certain road therein named, reported the same without amendment, and that in the opinion of the committee it is inexpedient to pass the same. Mr Dale moved that the bill be indefinitely postponed, which was carried.

The yeas and nays being desired, those who voted in the affirmative are Messrs Speaker Acklen Barclay Bradford Brown Byrnes Conner Coopwood Dale Ellis Fearn Goldthwaite Green Grigsby Hays Hester Hodges Hudson Jones King Mardis Massey Metcalfe Mims Moore Parsons Richardson Roulston Russell Ship Smith Van Dyke Weissinger and Williams—34.

Those who voted in the negative are Messrs Baker Banks Bates Bibb Brodnax Cole Coleman Cook Dennis Durrett Fitts Flournoy Forrest Horton Jackson Jack Lane Lawler Ligon McElderry Mobley Murphree Oliver Penn Philpott Pope Rather Robinson Ross Roysdon Taylor and Ward—32.

A message from the Senate by Mr Gayle. Mr Speaker: I am instructed by the Senate to inform your honorable body that they have concurred in the amendment made by your honorable body to a bill which originated in the Senate entitled an act supplemental to an act passed the 14th December, 1827, prescribing the mode of contesting elections.—They have amended the amendment made by your honorable body to a bill which originated in the Senate, entitled an act to incorporate the trustees of the Sims' Female academy in the town of Tuckaloosa, by adding the proviso thereto attached, and have agreed to said amendments as amended, and respectfully ask the concurrence of your honorable body to their amendment.

Mr Grigsby offered the following resolution: *Resolved*, that with the concurrence of both Houses, the President of the Senate, and Speaker of the House of Representatives, be requested to deliver an extempore address to the Warrior Guards, in the Hall of the House of Representatives to-day, when they make their appearance, which was lost.

A message from the Senate by G. W. Gayle. Mr Speaker; The Senate have read three several times and passed a joint memorial which originated in the Senate of the following title to wit: Joint memorial to the Congress of the United States praying a removal of the land office from Huntsville to some more central point in said district, in which they request the concurrence of the House of Representatives.

Mr Philpott, from the select committee to which was referred the bill entitled an act to reduce the price of the public lands in the counties of Madison and Morgan to the price of like lands in other counties, reported that they have amended the same by striking out the title of the same, and inserting "a bill to be entitled an act to re-examine and revalue so much of the lands granted this State by Congress, for the improvement of the Tennessee and other rivers, as lies in the counties of Madison and Morgan;" and by adding thereto two additional sections; in which amendments the House concurred. Mr Fearn moved to amend the first section of the bill by the following proviso: *Provided*, that such revaluation shall not be made as aforesaid until the first day of May next, and that previous to that time said lands shall be subject to entry according to the provisions of the act of the last General Assembly authorising and regulating the same. Mr Durrett moved to strike out the word "May," to insert "April"—a division of the question being called for, the vote was first taken on striking out and lost. The question was then on the adoption of the amendment, and lost. Yeas 30—Nays 38.

The yeas and nays being desired, those who voted in the affirmative are Messrs Acklen, Banks, Barclay, Bradford, Brown, Cole, Curtis, Ellis, Fearn, Fitts, Forrest, Green, Hays, Horton, Jones, King, Lawler, Ligon, Mardis, Massey, Metcalfe, Moore, Morrisett, Penn, Roulston, Russell, Smith, Weissinger and Young.

Those who voted in the negative are Messrs Speaker, Baker, Bates, Bibb, Brodnax, Byrnes, Clark, Coleman, Conner, Cook, Coopwood, Craig, Dale, Dennis, Durrett, Flournoy, Goldthwaite, Grigsby, Hester, Hodges, Hudson, Jack, Jackson, Lane, McElderry, Mobley, Murphree, Oliver, Parsons, Philpott, Pope, Rather, Richardson, Robinson, Ross, Ship, Taylor, Ward, and Williams.

Mr Fearn moved the following amendment: Sec. 1st 3d line, strike out the words "appoint one commissioner from each company of commissioners who valued the relinquished lands," and insert "re-appoint three commissioners from the company which valued the relinquished lands in the counties of Madison and Morgan, and require of them," which was lost. Yeas 23—Nays 45.

The yeas and Nays being desired, those who voted in the affirmative are Messrs Acklen, Banks, Barclay, Bradford, Brown, Cole, Curtis, Fearn, Forrest, Grigsby, Jones, Lawler, Mardis, Mims, Moore, Morrisett, Penn, Roulston, Russell, Smith, Ward, Weissinger, and Williams.

Those who voted in the negative are Messrs. Speaker, Baker, Bates, Bibb, Brodnax, Byrnes, Clark, Coleman, Conner, Cook, Coopwood, Craig, Dale, Dennis, Durrett, Fitts, Flournoy, Goldthwaite, Greene, Hays, Hester, Hodges, Horton, Hudson, Jack, Jackson, Lane, Ligon, Massey, McElderry, Metcalfe, Mobley, Murphree, Oliver, Parsons, Philpott, Pope, Rather, Richardson, Robinson, Ross, Ship, Taylor, Van Dyke, and Young.

And then the House adjourned to 3 o'clock this evening.

At 3 o'clock the House met pursuant to adjournment.

Mr Penn Moved that the House adjourn to to-morrow at half past 9 o'clock, A. M. which was lost. Yeas 8—Nays 29.

The yeas and nays being desired, those who voted in the affirmative are Messrs Speaker, Brodnax, Conner, Curtis, Grigsby, Hays, Penn and Pope.

Those who voted in the negative are Messrs Bates, Brown, Clark, Cole, Cook, Coopwood, Craig, Dennis, Durrett, Fearn, Hester, Horton, Hudson, Jones, King, Lane, Lawler, Massey, McElderry, Morrisett, Oliver, Parsons, Philpott, Rather, Ross, Smith, Taylor, Weissinger, and Williams.

The bill from the Senate entitled an act to re-examine and revalue so much of the lands granted to this State by Congress for the improvement of the Tennessee and other rivers, as lies in the counties of Madison and Morgan, then being under consideration: Mr Rather moved that

the bill be made the special order of the day for Monday next, which was carried.

On motion of mr Conner: *Resolved*, that a select committee be appointed for the purpose of illuminating the hall of the House of Representatives; whereupon messrs Conner and Taylor were appointed.

The bill entitled an act to change the times of holding the county court in Clarke county was referred to a special committee consisting of messrs Mobley, Fitts, and Flournoy.

Mr Taylor moved that the House adjourn to to-morrow at half past 9 o'clock, A.M. which was lost. Yeas 15—Nays 43.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker Acklen Banks Brodnax Byrnes Conner Coopwood Curtis Dale Grigsby Hays Mims Penn Rather and Taylor.

Those who voted in the negative are messrs Barclay Bates Bibb Bradford Brown Clark Cole Coleman Cook Craig Dennis Durrett Fearn Flournoy Goldthwaite Green Hester Horton Hudson Jones King Lane Lawler Ligon Mardis Massey McElderry Metcalfe Mobley Morrisett Morphree Oliver Parsons Philpott Pope Richardson Ross Roulston Roysden Ship Smith Weissinger and Williams.

The bill entitled an act to authorize the corporation of the city of Mobile to raise and organize engine and hook and ladder fire companies, in the said city and for other purposes, was referred to a select committee consisting of messrs Bates Byrnes and Mims.

The bill entitled an act to amend the militia law of this State, was, on motion of mr Taylor, made the special order of the day for Tuesday next.

The bill entitled an act to repeal in part a certain act therein named, was read a second time, and referred to the committee on county boundaries.

The bill entitled an act to appoint canal commissioners for the improvement of the navigation of the Tennessee river and for other purposes, was read a third time. Mr Fitts moved to amend the bill by adding thereto an additional section, by way of engrossed rider, which was lost.

The Yeas and nays being desired, those who voted in the affirmative are messrs Baker Fitts Grigsby Mims Morrisett and Weissinger.

Those who voted in the negative are messrs Speaker Acklen Banks Barclay Bates Bibb Bradford Brodnax Brown Byrnes Clark Cole Coleman Cook Coopwood Craig Curtis Dale Dennis Durrett Ellis Fearn Flournoy Forrest Goldthwaite Green Hays Hester Hodges Horton Hudson Jackson Jones King Lane Lawler Ligon Mardis Massey McElderry Metcalfe Mobley Morphree Oliver Parsons Penn Philpott Pope Rather Richardson Robinson Ross Roulston Roysden Russell Taylor VanDyke Ward and Williams.

The bill was then passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Goldthwaite made the following report:

The committee on the state of the republic, to which was referred so much of the Governor's message as relates to a resolution of the State of Indiana, asserting a claim to the public lands, within the limits of said State, have had the same under consideration, and instruct me to report as follows:

The question now submitted, for the first time to the consideration of the Legislature of this State, is one of confessed importance and magnitude, not only to this State, but to the whole Union, and that attention has been given it by your committee, which the rights involved, demanded.

By the declaration of independence, the right to the crown lands within the several States, unquestionably passed to the States respectively in which they were situated; they became, by that solemn act, the successors to all the rights of sovereignty claimed by the British crown, for it will be remembered that the confederation of the States was not formed until November, '77, and that all the powers therein conferred, were derived, as they are now, from the several States. If the right of eminent domain, was in the confederative government, the States sunk, at once, from the high station of sovereign and

independent, to the degraded condition of provinces, from which, indeed, they thought they had emerged.

Your committee cannot think that more doubt exists in relation to the *time* when the right was acquired, than of the *right* itself. If the several States were sufficiently sovereign, to throw off the yoke of foreign tyranny, is it not unreasonable to contend that they did not possess the *entire* attributes of sovereignty? If they possessed all power to form the confederation in '77, surely it was a greater exercise of independent sovereignty, than the assumption of the right to dispose of the crown lands. All the States became free, sovereign, and independent on the 4th of July, 1776, and the peace of '85 was only the compelled acknowledgement of the British crown to our assertion; but no real doubt in reality ever existed on this point, it has been fully and satisfactorily settled by the admissions of the confederative and present governments of the United States. These governments have taken conveyances from the several States, thereby assenting to the rights claimed by them, and in most instances paying an equivalent therefor.

The position being established, that the right of eminent domain once existed in the States respectively, it becomes necessary to inquire how the right passed from them. It will not be necessary to advert to the various claims set up by the General Government to the waste lands, nor the manner in which the same was resisted by those States most interested, or the danger which their conflicting interests had like to have produced to the Union. These are now matters of history, and all that is necessary for the elucidation of the subject under consideration, may be gathered from legislative enactments and the compact between Georgia and the United States in 1802.

Most of the State of Alabama was undoubtedly within the limits of the colony of Georgia, as defined by her ancient charters, and that State, by her agreement, ceded the territory to the United States, which now comprises this State. Under this grant to the United States, your committee believe, that no other than a limited right or title to the soil and sovereignty passed to the United States, and that certain provisions therein contained, though passing the right from Georgia at that time, caused the same to accrue to the States to be formed out of the territory ceded. The most prominent of these is the fifth condition of the cession, which provides, "that the territory thus ceded, should form a State and be admitted as such, into the Union, as soon as it should contain 60,000 free inhabitants, or at an earlier period, if Congress should think expedient, on the same condition and restrictions, with those now privileges and in the same manner as is provided in the ordinance for the government of the Northwest Territory, which ordinance should, in all its parts, extend to the territory ceded." If a reference to the provisions of the ordinance be returned to, it will be seen, that by the fifth article of the same various restrictions are imposed on the territory, and the States to be formed out of it.

The sixth article in the ordinance, provides for the admission of the new States to be formed out of this territory, and that they should be admitted into the Union on the same footing, in all respects whatever, as the original States. Now in the opinion of your committee, these articles are inconsistent; for how can it be said that a State is sovereign, when she has no right to the eminent domain? Can it be independent, when she cannot tax even her own citizens, except after a certain period, or her non-resident land holder, except in a particular manner? Can she be termed free, when another or sovereignty may, if it chooses, prevent the settlement of her territory, by refusing to sell or settle the same, or has she any of these attributes, when thus clogged and controlled by such restrictions? If then, these articles are repugnant, and not to be reconciled by a liberal construction, is it not obvious that we must put such an one as will enable the whole instrument to stand? Can this not be done, by allowing the time construction to be, that the restrictions apply to the territory thus formed out of it, which restrictions are removed the moment that they become sovereign States? But if this argument cannot be supported, your committee would inquire if the people have no inherent unalienable rights, which even government cannot take away? Could Georgia legislate away the sovereignty of a portion of her territory, or can a portion of the Union once holding the station of a State, by its own act, or by compact with others, be reduced to the degraded rank of a territory?

Your committee have thus arrived at the conclusion, that the rights vested in the United States by Georgia, was limited to the time when the territory should possess a certain number of inhabitants, that until that period arrived the United States were entitled to the right of eminent domain, as an incident to sovereignty, and that as soon as Alabama was admitted into the Union as a State, she was entitled to the rights, privileges, and emoluments of the original States.

It therefore only remains to consider in what manner, if any, this right, existing in the State, has been surrendered, disclaimed or conveyed to another. It will be contended that by an ordinance of the people of this State, we have disclaimed all right to the public lands. Here then the question necessarily arises, "by what authority does the United

States claim to hold lands within the limits of a State?" Will it be contended that the government as a corporation can hold lands? If it be a government of specific, limited powers, we search in vain in the palladium of our rights, for a delegated authority, or the creation of the general power, which would authorize the implication of the right. "To hold lands purchased with the consent of the States for the erection of forts, arsenals, magazines, dock yards, and other necessary buildings" surely does not give the power to hold the eminent domain within a sovereign State; nor does the 2d clause of the 3d section of the 4th article of the constitution, militate against the position assumed by your committee: full effect will be given to that clause, by allowing Congress the power to hold and dispose of the lands within the territories. And force is added to the arguments by the same clause declaring that "nothing in the constitution shall be so construed as to prejudice the rights of any particular State." If the United States does not possess the power to hold, it is immaterial to discuss whether the convention had the power to grant; there being no capacity to take, it would prove ineffectual, and revert to the grantor: but even if the United States could constitutionally impose, and the State submit to the conditions specified in the act authorizing the people of this State to hold a convention—if the rights were granted by the ordinance appended to our constitution, all the conditions and restrictions were, in the opinion of your committee, removed by the resolution of Congress passed 14th December, 1819, admitting Alabama into the Union, by which it is declared she is admitted on the same footing, in all respects whatsoever, as the original States. Unless it can be shewn, that the States which commenced and ended the struggle for liberty, did not possess the right of eminent domain, your committee consider the claim of the State to be clear, and that it can be made so to appear before the constitutional tribunals of our country.

Your committee have likewise taken into consideration the means necessary to assert the claims of this State to the lands within the same, in a legal and constitutional manner, and have instructed me to report a bill for that purpose, which, by creating a title under the State, will speedily bring the whole question before the proper courts.

Your committee likewise recommend the adoption of the accompanying joint resolutions, all which is respectfully submitted. HENRY GOLDTHWITE, *Chairman*.

The same committee reported joint resolutions of the General Assembly of the State of Alabama concerning the right of the said State to the public lands. *Ordered*, that said report and resolutions lie on the table, and that 500 copies thereof be printed for the use of this House.

The same committee reported a bill to be entitled an act to provide for asserting the right of the State of Alabama to waste and unappropriated lands within the said state, which was read a first time. And then the House adjourned till to-morrow morning at half past 9 o'clock, A.M.

Saturday, January 9, 1830.

The House met pursuant to adjournment.

Mr Ross presented the petition of sundry inhabitants of Wilcox county praying the passage of a law to establish a ferry between one and two miles above the present ferry at the landing of Henry S. Atwood at Prairie bluff, on the Alabama river, which was read, and referred to the committee on roads bridges and ferries to consider and report thereon.

Mr Ross presented the petition of Elizabeth Bones and others, praying the passage of a law to authorize the sale of certain lands therein mentioned, which was read and referred to the judiciary committee.

Mr Young, from the the committee on education, to whom was referred a bill entitled an act to appropriate and set apart the interest accruing to the State each and every year, upon two hundred thousand dollars funds of the university of the State of Alabama, for the education of the extreme poor of the State, and for other purposes, reported a substitute in lieu thereof, which was adopted. The bill was then ordered to be engrossed for a third reading on Monday next.

Mr Speaker laid before the House the account of the Rev. James Hiltouse, which was read and referred to the committee on accounts.

Mr Van Dyke, from the select committee to whom was recommitted the bill entitled an act to authorize the State to dispose of the old state

house in the town of Cahawba, reported a substitute in lieu thereof, which was adopted. The bill was considered as engrossed, read a third time forthwith, and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for concurrence.

The joint resolution from the Senate instructing our Senators and requesting our Representatives in Congress to use their exertions to procure a remission of the duties which may accrue upon the importation of a library and apparatus for the university of the State of Alabama, was read and adopted. *Ordered*, that the clerk acquaint the Senate therewith.

The bill from the Senate entitled an act to regulate certain proceedings of county courts, was read a first time, and the rule requiring bills to be read on three several days being dispensed with; it was read a second time forthwith; and the rule being further dispensed with it was read a third time forthwith and passed. *Ordered*, that the title be as aforesaid; *Ordered*, that the clerk acquaint the Senate therewith.

The bill from the Senate entitled, an act to reduce the county tax of Franklin county, was read a first time and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith and referred to a select committee consisting of messrs Hudson and Horton, with instructions to report on Monday next.

Mr Byrnes from the special committee, to which was referred a bill entitled, an act to authorize the corporation of the city of Mobile, to raise and organize engine and hook and laddered fire companies in the said city and for other purposes, reported sundry amendments, which were concurred in; the bill was then considered as engrossed, read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for concurrence.

Mr Parsons from the select committee to which was referred the bill to establish the county of ——— and for other purposes, reported a substitute in lieu thereof. Mr Massey moved that the further consideration of the bill be postponed to the first day of the next session of the General Assembly, which was carried. Yeas 45—Nays 21.

The yeas and nays being desired, those who voted in the affirmative are messrs Banks, Bibb, Bradford, Brodnax, Brown, Byrnes, Clark, Cole, Coleman, Conner, Coopwood, Craig, Dennis, Darrett, Ellis, Flournoy, Forrest, Green, Grigsby, Hester, Horton, Hudson, Jackson, Jones, King, Lane, Ligon, Massey, McEllenry, Metcalfe, Noble, Moore, Morrisett, Murphy, Oliver, Philpott, Pope, Rather, Ross, Russell, Saip, Ward, Weissinger Williams and Young.

Those who voted in the negative are messrs Speaker, Acklen, Barclay, Cook, Curtis, Dale, Fearn, Goldthwaite, Hays, Jack, Lawler, Madsen, Mims, Parsons, Penn, Robinson, Roelston, Roysdon, Smith, Taylor, and Van Dike.

A message from the Senate by Mr Gayle. Mr Speaker: The Senate have instructed me to inform your honorable body, that they have adopted the following resolution and request the concurrence of the House of Representatives therein: *Resolved*, that with the concurrence of the House of Representatives, a joint committee be appointed to draft a resolution appropriating the several rooms in the State Capitol among the public officers, so as to accommodate the Governor, secretary of State, comptroller, treasurer, clerk of the supreme court, attorney general, and library of the supreme court.

A message from the Senate by Mr Gayle. Mr Speaker: I am instructed by the Senate to inform your honorable body, that they have read three several times and passed a bill which originated in the House of Representatives, entitled, an act to amend an act entitled an act to regulate the licensing of physicians to practice, and for other purposes therein named,

passed December 27d 1823, and have amended the same, by striking out the word "three" in the third line of the first section, and inserting in lieu thereof the word "four," and by inserting after the word "*Tusculossa*" in the fourth line of the first section the words "one at Selma," in which amendments they request the concurrence of your honorable body.

A bill which originated in the House of Representatives, entitled, an act the better to insure the safe keeping of the public arms, they have instructed me to inform your honorable body, that they have indefinitely postponed. They have also read three several times and passed bills which originated in the Senate entitled, "an act to establish a turnpike road on Cumberland mountain; an act to incorporate the Fincumbia rail way company, in which they desire the concurrence of your honorable body.

Mr Mobley from the select committee to which was referred a bill entitled, an act to change the times of holding the county courts of Clarke county, reported a substitute in lieu thereof, which was adopted: the bill was considered as engrossed, read a third time forthwith and passed. *Ordered* that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Brodnax made the following report: The committee on enrolled bills have examined and found correctly enrolled, a bill entitled, an act to change the time of holding the circuit courts in the counties of Henry, Dale, Covington, Baldwin and Mobile, and joint memorial requesting a grant of lands by the Congress of the United States for the use of a female academy in each county in this State.

The engrossed bill to be entitled, an act to establish the county of ———— was read a third time. Mr Goldthwaite moved to amend the bill by way of engrossed rider, by adding thereto an additional section No. 8. And then the House adjourned to 3 o'clock this evening.

At 3 o'clock the House met pursuant to adjournment.

Mr Gigsby presented the account of Carter B. Harrison, which was read and referred to the committee on accounts to consider and report thereon.

On motion of Mr Fearn, *Resolved*, that the agent of the American Colonization Society, now in this place, be permitted to use the Hall of Representatives, on Monday night next, for the purpose of explaining to the citizens of this place, the objects of the society.

Mr Moore who voted in the majority, on the indefinite postponement of the bill entitled, an act to authorize Henry Lucas and others to turnpike a road therein named, moved to reconsider that vote, which was carried: the bill was then referred to the committee on propositions and grievances with instructions to report on Tuesday next.

The House resumed the consideration of the bill entitled, an act to establish the county of ————. Mr Van Dyke moved that the further consideration of the bill be postponed to the 1st Monday in August, which was lost. Yeas 24—Nays 42.

The yeas and nays being desired, those who voted in the affirmative are Messrs Speaker Banks Bates Brown Ellis Faus Forrest Gigsby Hays Hodges Hudson Jack Jones King Lowler Mims Mobley Philpott Richardson Robinson Ross Taylor Van Dyke and Williams.

Those who voted in the negative are messrs Baker Barclay Bibb Bradford Brodnax Byrnes Clark Cole Coleman Coopwood Craig Curtis Dennis Durrett Fearn Flournoy Goldthwaite Green Hester Jackson Lane Ligon mardis massey m'Elderry Metcalfe Moore Morrisett Murphree Oliver Parsons Penn Pope Rather Roulston Roysdon Russell Ship Smith Ward Weissinger and Young.

The question was again on mr Goldthwaite's ryder and carried. Yeas 43—Nays 24.

The yeas and nays being desired, those who voted in the affirmative are messrs Baker Barclay Bibb Bradford Brodnax Byrnes Clark Cole Coleman Coopwood Craig Curtis Dennis Durrett Fearn Flournoy Forrest Goldthwaite Green Hester Horton Hudson Jackson Lane Ligon Mardis Massey Metcalfe Morrisett Murphree Oliver Parsons Penn Pope Rather Roulston Roysdon Russell Ship Smith Ward Weissinger and Young.

Those who voted in the negative are messrs Speaker Banks Bates Brown Ellis Fitts Grigsby Hays Hodges Jack Jones King Lawler McElderry Mims Mobley Moore Philpott Richardson Robinson Ross Taylor Van Dyke and Williams.

Mr Moor moved to fill the blank in the first section of the bill with the name Lowndes, which was carried; and the question being put, shall this bill pass? it was determined in the affirmative. Yeas 43—Nays 22.

The yeas and nays being desired, those who voted in the affirmative are messrs Acklen Baker Barclay Bibb Bradford Brodnax Byrnes Clark Cole Coleman Cook Coopwood Craig Curtis Dennis Durrett Fearn Flournoy Goldthwaite Green Hays Hester Horton Lane Ligon Massey McElderry Metcalfe Moore Morrisett Murphree Oliver Parsons Penn Pope Rather Roulston Roysdon Ship Smith Ward Weissinger and Young.

Those who voted in the negative are messrs Speaker Banks Bates Brown Dale Ellis Fitts Grigsby Hodges Jack Jones King Lawler Mims Mobley Philpott Richardson Robinson Ross Taylor Van Dyke and Williams.

Ordered, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

A message from the Senate by mr Gavle. Mr Speaker: I am instructed by the Senate to inform your honorable body, that they have read three several times and adopted a resolution which originated in the House of Representatives, instructing our Senators and requesting our Representatives in Congress, to procure by the United States' engineers, as early as may be, a survey of the proposed canal between the river Amoy and Conasauga, and of the rivers Cannasauga and Coosa, and the practicability and probable cost of the work. They have indefinitely postponed a bill which originated in the House of Representatives, entitled, an act the better to provide for the examination of the offices of the clerks of the circuit and county courts of this State. They have also read three several times and passed a bill which originated in their House entitled, an act to authorize Haynes Crabtree to emancipate certain slaves therein named, in which they ask the concurrence of your honorable body.

Ordered, that Mr Banks have leave of absence until Tuesday next.

And then the House adjourned to Monday at half past 9 o'clock, A. M.

Monday, Jan. 11 1830.—The House met pursuant to adjournment.

The Speaker laid before the House the following report:

TUSCALOOSA. JANUARY 11, 1830.

The Hon. the Speaker of the House of Representatives;

The commissioners appointed to superintend the erection of the State Capitol, to whom was referred, by a resolution of that branch of the General Assembly, over which you preside, certain charges against William Nichols, superintendant of the public buildings, with authority to send for persons and papers, and to investigate the said charges, and report to the House the result of such investigation—under this authority the commissioners convened on the 4th inst. cited the parties concerned as accuser and accused, to attend, and after receiving from mr Robert Jameson, (who appeared as the ostensible accuser,) a list of charges and specifications, a copy of which is herewith submitted, marked A, which we respectfully submit as a part of this report, citations were issued, and a host of

witnesses in attendance, the investigation was continued from day to day, until the 9th inst. when, after having carefully examined the testimony introduced on both sides, the commissioners came to the following conclusion in relation to the charges and specifications against the said William Nichols, to wit:

CHARGE 1st. No proof to substantiate this charge being exhibited, we are of opinion that said Nichols has given that attention, which by law he was required to give as superintendant, and that no neglect appears to have been proven against him as such; consequently the specifications have failed under charge 1st.

CHARGE 2d. No proof whatever to substantiate charge 2d., consequently, specifications have failed under that charge.

CHARGE 3rd. No proof appears whereby he has disregarded the interest of the State; so far as it appears he has interfered, that interference clearly shows that he has been instrumental in lowering the price of lumber, the testimony in regard to the specifications under charge 3rd, totally failed.

CHARGE 4th. Proof failed under charge 4th; consequently, specifications under this charge have failed.

CHARGE 5th. For want of proof, the specifications under this charge totally failed.

CHARGE 6th. In regard to the want of a proper discharge of his public duties, proof entirely failed.

The commissioners are of the opinion that if proofs were previously wanting to establish purity in the discharge of the public duties of the said William Nichols, and a devotedness to the public interest, that they have been amply furnished in the course of this investigation. The commissioners however think it due to Mr Jemeson to acquit him of any improper motive in making the charges. As the murmurings of a host of disappointed and angry applicants for contracts, together with the revengeful complaints of some contractors, who, by the vigilant and stern integrity of William Nichols, were compelled to observe a faithful discharge of their contracts, were such as might have induced many persons to believe that there was intrigue, fraud and corruption. Therefore, as the result of this investigation, the commissioners ask leave to report to the House of Representatives, that they find the said William Nichols, acquitted of all the charges exhibited against him, in relation to the discharge of his public duties.

The commissioners found it impossible to proceed with the investigation, without employing the services of a justice of the peace, who also acted as secretary, and consequently did employ B. G. Sims Esq. and also Mr James Rather, who acted as a messenger, indispensably necessary in summoning witnesses, &c., to both of whom we have given certificates, justice to those individuals require that some provision should be made for an adequate compensation. All of which is respectfully submitted.

J. L. TINDALL, J. H. DEARING, J. HOGAN, S. B. EWING, *Com'rs.*

Mr Mobley moved that the report lie on the table, which was carried.

Mr Rather from the committee on privileges and elections, to which was referred a bill entitled, an act to discontinue and establish certain election precincts therein specified, reported a substitute in lieu thereof, which was adopted. Mr Bates moved to amend the bill by striking out "precinct in Mobile county at Lotts," which was carried.

The yeas and nays being desired, those who voted in the affirmative are messrs Acklen, Baker, Barclay, Bates, Bibb, Bradford, Brodnax, Brown, Coleman, Cook,

Curtis, Durrett, Fearn, Flournoy, Forrest, Green, Jack, Jackson, Lane, Ligou, Massey, McElderry, Metcalle, Mobley, Murphree, Oliver, Parsons, Penn, Pope, Ross, Roysdon, Smith and Taylor—33.

Those who voted in the negative, are messrs Speaker, Byrnes, Cole, Craig, Dale, Dennis, Fitts, Goldthwaite, Grigsby, Hester, Hodges, Hudson, Jones, King, Mardis, Mims, Philpott, Rather, Richardson, Robinson, Roulston, Russell, Ship, Van Dyke, Ward, Weissinger and Williams—28.

Mr Richardson moved an amendment to the bill which was adopted; the bill was considered as engrossed, and read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for concurrence.

Mr Mardis from the committee on divorce and allimony, to which was referred the record and proceedings of the circuit court of Mobile county, in the case of Ledger Borel against Theresa Borel for divorce, reported a bill to be entitled, an act to divorce Ledger Borel from his wife Theresa Antoinette Josephine De Bagga-i Borel, which was read and ordered to a second reading to-morrow.

Mr Durrett obtained leave to introduce a bill to be entitled, an act to compel purchasers of land to pay occupants for their improvements, which was read a first time. Mr Fearn moved that the bill be indefinitely postponed, which was lost. Yeas 13—Nays 47.

The yeas and nays being desired, those who voted in the affirmative are messrs Brown, Cook, Ellis, Fearn, Fitts, Green, Jack, King, Mims, Parsons, Penn, and Taylor.

Those who voted in the negative are messrs Speaker, Acklen, Baker, Barclay, Bates, Bibb, Bradford, Brodnax, Byrnes, Cole, Coleman, Conner, Coopwood, Craig, Dale, Dennis, Durrett, Flournoy, Forrest, Goldthwaite, Grigsby, Hays, Hester, Hodges, Horton, Hudson, Jackson, Jones, Mardis, Massey, McElderry, Metcalle, Mobley, Murphree, Oliver, Philpott, Pope, Rather, Ross, Roulston, Roysdon, Ship, Smith, Van Dyke, Ward Weissinger and Williams.

And the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith and referred to the judiciary committee.

Mr Fearn made the following report: The joint select committee to which was referred the petition of sundry citizens of this State, praying the General Assembly to memorialize Congress to grant them indemnity for injuries sustained, from depredations committed by the Creek Indians; and also that part of the Governor's message relating thereto, have had the same under consideration and have instructed me to report, that the memorial from the Senate, now before this House, fully embraces this subject, they therefore ask leave to be discharged from the further consideration of the subject, which was granted.

Mr Coopwood from the select committee to which was referred the bill entitled, an act supplementary to an act passed the 15th day of January, 1828, entitled, an act to authorize the sales of sixteenth sections and for other purposes, reported the same with amendments by adding thereto an additional section No. 2. which was concurred in, the bill was then considered as engrossed, it was then read a third time forthwith and passed. *Ordered*, that the title of the bill be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Coopwood from the select committee to which was referred the bill entitled, an act authorizing the school commissioners of section No. 16, township No. 17, and range No. 20, to hold an election and for other purposes, reported the same without amendment. Mr Coopwood moved that the report lie on the table, which was carried.

Mr Clark from the committee on county boundaries, to whom was re-

ferred a resolution to inquire into the expediency of arranging and designating the boundaries of the several counties in this State, in pursuance of the constitution, so far as this committee deem it expedient at the present session reported a bill to be entitled, an act to confirm and establish the boundaries of the several counties in this State, which was read a first time and ordered to a second reading to-morrow.

Mr Brodnax made the following report: The committee on enrolled bills have examined and found correctly enrolled a joint resolution instructing our Senators and requesting our Representatives in Congress, to procure by the United States engineers, as early as may be, a survey of the proposed canal between the rivers Amoy and Connasauga and of the rivers Connasauga and Coosa, and the practicability and probable cost of the work.

The bill entitled, an act to provide for asserting the right of the State of Alabama to waste and unappropriated lands within the said State, was made the special order of the day for its second reading to-morrow.

The engrossed bill entitled, an act to designate a part of the line between the counties of Tuscaloosa and Bibb, was, on motion of Mr Jack, laid on the table.

The bill entitled, an act to establish a board for internal improvement, was read a second time. Mr Fearn moved to amend the last section of the bill by way of proviso. Mr Parsons moved to amend Mr Fearn's amendment. Mr Coopwood moved to commit the bill with the proposed amendments to the committee on inland navigation, with instructions to report to-morrow. Mr Weissinger moved to postpone the bill to the 1st day of next session, which was lost. Yeas 5—Nays 63.

The yeas and nays being desired, those who voted in the affirmative are Messrs Brown, Cole, Flournoy, Jones, and Weissinger.

Those who voted in the negative are Messrs Speaker, Acklen, Baker, Barclay, Bates, Bibb, Bradford, Brodnax, Byrnes, Clark, Coleman, Conner, Coopwood, Craig, Curtis, Dale, Dennis, Durrett, Ellis, Fearn, Fitts, Forrest, Goldthwaite, Green, Grigsby, Hays, Hester, Hodges, Horton, Hudson, Jack, King, Lane, Lawler, Ligon, Mardis, Massey, McElderry, Metcalfe, Mims, Mobley, Moore, Morrisett, Murphree, Oliver, Parsons, Penn, Philpott, Pope, Rather, Richardson, Robinson, Ross, Roulston, Roysdon, Russell, Ship, Smith, Taylor, Van Dyke, Ward, Williams and Young.

The question was then on Mr Coopwood's motion, and carried.

The bill entitled an act to authorise the court of revenue and roads for Madison county to make an appropriation for the support of Isham Burk, a pauper of Madison county, was read a second time, and the rule requiring bills to be read on three several days being dispensed with, it was considered as engrossed, and read a third time forthwith and passed.—*Ordered*, that the title be as aforesaid, and that it be sent to the Senate for concurrence.

The joint resolution from the senate, proposing amendments to the constitution of the State of Alabama, so as to limit the tenure of the judges offices to six years, was read a third time and passed, by a constitutional majority. Yeas 56—Nays 14.

Those who voted in the affirmative are Messrs Speaker, Baker, Barclay, Bates, Bradford, Brodnax, Brown, Clark, Cole, Conner, Cook, Coopwood, Craig, Curtis, Dale, Dennis, Dorret, Fitts, Flournoy, Forrest, Goldthwaite, Green, Grigsby, Hays, Hester, Hodges, Jackson, Jones, Lawler, Ligon, Mardis, Massey, McElderry, Metcalfe, Mims, Mobley, Morrisett, Morphree, Oliver, Parsons, Philpott, Pope, Rather, Richardson, Robinson, Ross, Roulston, Roysdon, Russel, Ship, Smith, Taylor, Van Dyke, Ward, Weissinger, and Young.

Those who voted in the negative are Messrs Acklen, Bibb, Byrnes, Coleman, Ellis, Fearo, Horton, Hudson, Jack King, Lane, Moore, Penn, and Williams.

Mr Young moved to amend the title of the resolution by striking out the word "proposing," and in setting in lieu thereof the words "ratifying the proposed," which was carried. *Ordered* that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

The bill entitled an act to divorce certain persons therein named was read a second time, and ordered to be engrossed for a third reading tomorrow.

The bill entitled an act to alter the times of holding the circuit courts in the counties of Limestone and Lawrence, being under consideration. Mr Rather moved to amend the amendment of the Senate to the first section of the bill by striking out all of the first section after the word "week," in the ninth line of said section, which was lost. Yeas 30—Nays 32.

Yeas and nays being desired, those who voted in the affirmative are Messrs Acklen, Barclay, Bates, Bibb, Bradford, Clark, Coleman, Cook, Dale, Fearo, Ellis, Flournoy, Hester, King, Morris, McEliderry, Mobley, Moore, Morrisett, Murphy, Parsons, Penn, Philpott, Pope, Rather, Ross, Roulston, Russell, Smith, and Taylor.

Those who voted in the negative are Messrs Speaker, Bradbrax, Brown, Byrnes, Cooper, Coopwood, Craig, Curtis, Dennis, Denton, Forrest, Green, Grady, Hays, Hedges, Horton, Hudson, Jack, Jackson, Jones, Lane, Lawler, Ligon, Messer, Metcalfe, Oliver, Roysdon, Ship, Van Dyke, Ward, Weissinger, Williams, and Young.

Mr Jack, who voted in the majority, moved to reconsider the vote just taken, which was carried. Yeas 36—Nays 30.

The yeas and nays being desired, those who voted in the affirmative are Messrs Acklen, Barclay, Bates, Bradford, Bradbrax, Clark, Curtis, Cook, Curtis, Dale, Ellis, Fearo, Ellis, Flournoy, Grady, Hays, Hedges, Jack, King, Messer, McEliderry, Mobley, Moore, Morrisett, Murphy, Oliver, Parsons, Penn, Philpott, Pope, Rather, Ross, Roulston, Russell, Smith, Taylor and Ward.

Those who voted in the negative are Messrs Speaker, Bibb, Brown, Byrnes, Cole, Coopwood, Craig, Dennis, Denton, Forrest, Green, Grady, Hays, Hedges, Horton, Hudson, Jackson, Jones, Lane, Lawler, Ligon, Metcalfe, Nims, Robinson, Roysdon, Ship, Van Dyke, Weissinger, Williams and Young.

The question again recurred upon Mr Rather's motion, and was lost. And the question being put shall the House concur in the amendment of the Senate, it was determined in the affirmative.

A Message from the Governor, by Mr Thornton, Secretary of State.

EXECUTIVE DEPARTMENT, *January 11, 1830.*

The Honorable the Speaker and members of the House of Representatives.

By reason of necessary absence from two successive meetings of the medical board of Claiborne and Huntsville, of doctors Watkins and Fearn, occasioned by their occupying the station as members of the legislature, their office as members of the medical board have become vacant by operation of the law organizing them. It is for the General Assembly to provide for these vacancies. I have the honor to be, Sir, very respectfully,

(Signed,)

GABRIEL MOORE.

A message from the Senate by G. W. Gayle; Mr Speaker: The Senate have adopted the following resolutions in which they request the concurrence of your honorable body: *Resolved*, That with the concurrence of the House of Representatives, the Senate will assemble in the Representative Hall at the hour of seven o'clock, p. m. upon Friday next, for the purpose of electing a president and twelve directors of the Bank of the State of Alabama for the present year: *Resolved, by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, that the injunction of secrecy imposed on the two Houses in relation to the report of the joint committee on the State Bank be now removed.

Mr Moore made the following report : The joint committee appointed by the General Assembly to examine into the situation and condition of the State Bank beg leave to report : That in the performance of the duties required of them, an examination of the solvency of the debtors to the institution first engaged their attention. The investigation of this branch of the enquiry, although it presents an increased amount of doubtful; and a small decrease in the bad debts since the last annual report, yet, the committee find that some portions of both descriptions have been paid during the past year, leading to a hope that a further reduction may be anticipated, when a more guarded course of recommendations shall be

[A.] Exhibit shewing the amount of bad and doubtful debts due the Bank.

Pike county, 477*; Conecuh, 240; Blount, 54; Dallas, 1800; Franklin, 545* 2355; Landerdale, 1000; St. Clair, 720*; Bibb, 350* 270; Jackson, 4800* 350; Greene, 450*; Jefferson, 670; Morgan, 176; Madison, 1350; Lawrence, 720* 4855 Pickens, 240; Limestone, 1900. **Bad debts.*

* *Bad debts.*

An Exhibit shewing the result of the operations of the Bank of the State of Alabama, from the 7th day of January 1829, to the 8th day of January 1830, inclusive.

[B.]

7th day of January 1829, to the 8th day of January 1830, inclusive.

Capital Stock, \$495,503 22½	Due on individual notes discounted	\$237,069 73
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Notes of the Institution	Banking house at Cahawba at cost, \$1,085 92
Notes of the Institution	Banking house at Cahawba at cost, \$1,085 92

in circulation,	522,637 00	Banking do. and lot at Tuscaloosa, do.	8,873 57	9,959 49
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Due to individual depo-
Permanent expense account, being

136,656 83 1/2	amount paid for Bank furniture,	627 67
136,656 83 1/2	amount paid for Bank furniture,	627 67

Balance of profits on	28,376 854
Due from solvent Banks in account,	

Notes of do.	do. on hand,	73,393 00
do.	do.	

per report,	5,937 10	Specie	127,596 68½	229,366 54½
the Com. Ann. 1820, as				

Profits from 7 Jan. 1829,
Bills of Exchange payable at Mobile

to 7th Jan. 1830, in-
Rt Hon. S. H. Hall / Jan. 1825,
of £66,927 09
and New Orleans,
of exchange payable at proce

56,005 55 Paid interest and dividends to the dif-

clusive, 20,000 to 1 and interest and dividends to the different funds, composing the capi-

represent Jimnas, composing the capital up to the 9th day of November

her 1829 and also expenses of the

50708 19
Institution for same period.
ber 1829, and dish expenses of the

Institution for same period,	50,798 19

01014780711

\$1214,739 714	[C]	\$1214,739 71
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[c.]

The general account of individual depositors is composed of the following items, to wit :

To the credit of the State Treasury,

13814

10013	Individuals as partial payment on notes,
36113	44

	\$18 do.	for general account and subject to the checks	33078 59
To	do.	individuals as partial payment on notes,	30113 46
Total			33100 05

do.	do. for general account and subject to the checks.	38078 52
do.	do.	94983 00

To do, of the Internal Improvement fund,	24283 00
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[illegible]

\$136656 83

pursued, on which the directors are obliged to rely in a great measure for their information of the solvency of individuals. Statement marked A, presents a view of the bad and doubtful debts which have been ascertained in each county. The paper marked B, exhibits an expose of the operations of the Bank, since January 7th, 1829, to the 8th inst. inclusive, by which it will appear that the Bank is liable for the amount of its notes in circulation, and the amount due to individual depositors, making an aggregate of \$659,293 83½; to meet this liability, the Bank possesses funds of the following description, viz: Specie, \$127,596 68½; notes of other solvent banks, principally United States, 73,393; bills of exchange, payable at Mobile and New Orleans, \$686,927 09, most readily available for any emergency. These several sums added to the amount due from other banks on account, the sum of \$28,376 85½, making a total of \$916,293 63½; besides this amount, most readily convertible into funds to meet any exigency, the Bank has due it, on notes discounted, \$237,060 73; making a grand total of \$1,153,354 36½, leaving an excess including real estate and furniture, of \$504,647 62, above what it is liable for; presenting a view of its concerns highly flattering, and thereby creating an unshaken confidence in its solvency, and as the committee believe, realizing in the fullest extent the objects for which it was established, and which objects cannot be defeated under an impartial, able and judicious directory.

The paper marked C, gives an analysis of the account of individual depositors, shewing the items of which it is composed.

The committee cannot conclude without bestowing due praise on the cashier, teller and clerks of the Bank, for the alacrity and ability with which they discharge the incessant and laborious duties assigned them.

DAVID MOORE,

JOHN WATKINS,

ELISHA YOUNG,

JOHN B. HOGAN,

J. B. CLARK,

J. W. GARTH,

Com'te on part of H. Reps.

Com'te on part of Senate.

Ordered, that said report lie on the table, and that five hundred copies thereof be printed for the use of this House.

The bill entitled an act to regulate the landing of goods by steam boats and barges and for other purposes, was read a second time, and the rule requiring bills to be read on three several days being dispensed with, it was considered as engrossed, and forthwith read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence. And then the House adjourned to 3 o'clock P. M.

At 3 o'clock the House met pursuant to adjournment.

The engrossed bill from the Senate, entitled an act for the relief of Sally Turner, executrix of Charles H. Turner, deceased, was read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered* that the clerk acquaint the Senate therewith.

The bill entitled an act for the relief of the Warrior Guards was read a second time. Mr Taylor moved to amend the bill by striking out all that part in relation to patrol duty, which was carried. Mr Taylor moved to amend the bill by adding thereto an additional section, No. 5, which was carried. And the rule requiring bills to be read on three several days being dispensed with, it was read a third time forthwith, considered as engrossed and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The bill entitled an act prescribing the duties of sheriffs and returning officers in holding elections and returning the votes of all persons on the

proposed alterations of the constitution of the State of Alabama, in regard to biennial sessions of the legislature, was read a second time. Mr. Moore moved to amend the bill by striking out all after the enacting clause, with a view to insert a section in lieu thereof, which was carried. The bill was considered as engrossed, and read a third time forthwith and passed. *Ordered*, that the title be an act making permanent the act prescribing the duties of sheriffs and returning officers, in holding elections and returning the votes of all persons voting on proposed alterations of the constitution of the State of Alabama, approved, Jan. 26, 1829. *Ordered* that the same be sent to the Senate for their concurrence.

The bill from the Senate entitled an act to re-examine and revalue so much of the lands granted this State by Congress for the improvement of the Tennessee and other rivers as lies in the counties of Madison and Morgan, was read a third time, and the question being put, "shall this bill pass?" it was determined in the affirmative. Years 34.—Days 24.

The vowels and diphthongs being given, there which need not be affirmative are messes: Seaborn, Baker, Bates, Bibb, Bodoaux, Brees, Clark, Composed, Craig, Curtis, Dale, Davies, Deane, Dillmore, Dyer, Hager, Hager, Hager, Hager, Jack, Jackson, Isaac, McIlhenny, M. A. V. Amphreese, Olive, Philpott, Pope, Rather, Richardson, Robinson, Ross, Shea, Ward, and Williams.

Those who voted in the negative on mass—Berkeley, Bradford, Brown, Cole, Fearn, Flannery, Forrest, Green, Grigsby, Jones, King, Lawler, Madis, Mussey, Norciffe, Mumma, Packer, Plater, Rowden, South, Taylor, Van Dyke, and Weissinger.

Ordered, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senators ere long.

Mr. Blumenthal moved that the House disagree to the amendments made by the Senate to the bill entitled an act further to provide for the location of the seat of justice of Pickens county, which was carried. *Ordered*, that the clerk acquaint the Senate therewith.

A message from the Senate by G. W. Gayle. Mr Speaker: The Senate have read three several times and passed a bill which originated in the House of Representatives entitled an act to appoint canal commissioners for the improvement of the navigation of the Tennessee river, and for other purposes, and have amended the same in the manner herewith shown, in which several amendments they desire your concurrence. They have also read three several times and passed a bill which originated in the House of Representatives, entitled an act to prevent the evil practice of betting on elections; they have read three several times and passed a bill which originated in the Senate, entitled an act better to regulate the issuing of licenses to retailers of spirituous liquors, in which they desire the concurrence of your honorable body.

The following resolution from the Senate, to wit: "*Resolved, by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the injunction of secrecy imposed upon the two Houses in relation to the report of the joint committee be now removed*" being under consideration; Mr Fearn moved that it lie on the table, which was carried.

The bill from the Senate entitled an act for the relief of Edmond Prince was read a first time. Mr Mardis moved that the bill be indefinitely postponed, which was lost. Yeas 32—Nays 36.

The yeas and nays being desired, those who voted in the affirmative are messrs Acklen, Barclay, Bibb, Bradford, Brown, Clark, Cook, Dale, Ellis, Fearn, Green, Gingsby, Hays, Jack, Jones, Lester, Mardis, Metcalfe, Moore, Morrisett, Parsons, Penn, Richardson, Roysdon, Russell, Ship, Smith, Taylor, Van Dyke, Weisinger, Williams, and Young.

Those who voted in the negative are messrs. Speaker, Baker, Bates, Brodnax, Byrnes, Cole, Coleman, Conner, Coopwood, Craig, Curtis, Dennis, Durrett, Flournoy, Forrest, Goldthwaite, Hodges, Horton, Hudson, Jackson, King Lane, Ligon, Massey, McElderry, Mims, Mobley, Murphree, Oliver, Philpott, Pope, Rather, Robinson, Ross, Roulston, and Ward,

The bill was then ordered to a second reading to-morrow.

The bill from the Senate entitled an act to authorize James Davis and associates to turnpike a certain road therein named, was read a first time; and the rule requiring bills to be read on three several days being dispensed with, it was forthwith read a second time, and referred to a select committee consisting of messrs Hudson, Hodges and Durrett.

The bill from the Senate entitled an act for the relief of Henry Sossaman was read a first time, and ordered to a second reading to-morrow.

The bill from the Senate entitled an act further to relieve insolvent debtors was read a first time. Mr Mobley moved that the bill be indefinitely postponed which was lost. Yeas 14—Nays 50.

The yeas and Nays being desired, those who voted in the affirmative are messrs Clark, Cole, Coleman, Cook, Green, Mardis, Massey, Mobley, Parsons, Penn Pope, Robinson, Ship, and Young.

Those who voted in the negative are Messrs Speaker, Acklen, Baker, Bibb, Bradford, Brodnax, Brown, Byrnes, Conner, Coopwood, Craig, Curtis, Dennis, Durrett, Ellis, Fearn, Flournoy, Forrest, Goldthwaite, Grigsby, Hays, Hester, Hodges, Horton, Hudson, Jack, Jackson, Jones, Lane, Lawler, Ligon, McElderry, Metcalfe, Mims, Moore, Murphree, Oliver, Philpott, Rather, Richardson, Ross, Roulston, Roysdon, Russell, Smith, Taylor, Van Dyke, Ward, Weissinger and Williams.

The bill was then ordered to a second reading to-morrow.

Ordered, That the House concur in the amendment made by the Senate to the amendments of the House of Representatives to the bill entitled an act to incorporate the trustees of the Sims' Female academy in the town of Tuscaloosa. *Ordered*, that the clerk acquaint the Senate therewith.

The joint memorial from the Senate to the Congress of the United States, praying a removal of the land office from Huntsville to some more central point in said district, was read a first time, and the question being put "shall the memorial be adopted," it was determined in the negative.

The yeas and nays being desired, those who voted in the affirmative are messrs Bibb, Byrnes, Clark, Coleman, Conner, Coopwood, Craig, Dennis, Durrett, Ellis, Flournoy, Grigsby, Hester, Hodges, Horton, Hudson, Jones, Lane, Ligon, Massey, McElderry, Metcalfe, Mims, Philpott, Rather, Roysdon, Russell, Ship, Smith and Van Dyke.

Those who voted in the negative are messrs Acklen, Bradford, Brodnax, Brown, Cole, Cook, Curtis, Dale, Fearn, Forrest, Green, Hays, Jack, King, Lawler, Mims, Mobley, Moore, Morrisette, Murphree, Oliver, Parsons, Penn, Pope, Robinson, Ross, Roulston, Taylor, Weissinger, Williams and Young.

A message from the Senate by G. W. Gayle. Mr Speaker: The Senate have read three several times and passed a bill which originated in the House of Representatives entitled an act making permanent the act prescribing the duties of sheriffs and returning officers in holding elections, and returning the votes of all persons voting on proposed alterations of the constitution of the State of Alabama, approved January 26, 1829: they have concurred in the amendments made by your honorable body to a bill which originated in the Senate entitled an act to reduce the price of the public lands in the counties of Madison and Morgan, to the price of like lands in other counties: they have read three several times and passed a bill which originated in the House of Representatives, entitled an act for the relief of the Warrior Guards: they have also read three several times and passed a bill which originated in their house enti-

ted an act to amend an act therein named, in which they ask the concurrence of your honorable body.

Mr Fearn moved that the House disagree to the amendments made by the Senate to the bill entitled an act to amend an act entitled an act to regulate the licensing of Physicians to practice, and and for other purposes therein named, passed December 22, 1823, which was carried.

The bill from the Senate entitled an act to incorporate the Tusculumbia railway company, was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was forthwith read a second time. Mr Hudson moved to amend the bill by way of a proviso to the last section thereof. It was then referred to a select committee with Mr Hudson's proposed amendment, consisting of messrs Horton, Fearn, and Ligon.

The bill from the senate entitled an act to establish a turnpike road on Cumberland mountain was read a first time and ordered to a second reading to-morrow.

A message from the Senate by G. W. Gayle. Mr Speaker the Senate have amended the amendment made by your honorable body to a bill which originated in their House entitled an act for the relief of Sally Turner, executrix of Charles H. Turner, deceased, in the manner herewith shewn, in which they ask the concurrence of your honorable body. They have also read three several times and passed a bill which originated in their House entitled an act to regulate the interchange of the circuit judges, in which they ask the concurrence of your honorable body.

Ordered, that the House concur in the resolution from the Senate appointing a joint committee to draft a resolution appropriating the several rooms in the State Capitol among the public officers, so as to accommodate the Governor, Secretary of State, Comptroller, Treasurer, clerk of the Supreme Court, Attorney General, and library of the Supreme Court, whereupon messrs Penn, Taylor, and Young were appointed said committee.

The bill from the Senate entitled an act to authorize Haynes Crabtree to emancipate a certain slave therein named, was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith, and the rule being further dispensed with, it was then read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

A message from the Senate by Mr Gayle. Mr Speaker: The Senate have read three several times and passed bills which originated in their House entitled an act to authorize Daniel Field and associates, to turnpike a road in the county of Blount; an act to authorize certain persons to practice law in this State, in which they ask the concurrence of your honorable body. They have also read three several times and passed a bill which originated in the House of Representatives, entitled an act to amend an act authorizing Wyatt Cheatham to cut out and establish a turnpike road.

Engrossed bill entitled an act to appoint canal commissioners for the improvement of the navigation of the Tennessee river, and for other purposes, being under consideration: *Ordered*, that the House disagree to the amendment made by the Senate to the third section by striking out "sixty," and by inserting in lieu thereof "ninety:" *Ordered*, that the House disagree to the amendment made to the 5th section by striking out after the word "will," in the 21st line, down to the word "and," in the 29th line of the same section: *Ordered*, that the House disagree to the amendment made by adding thereto sundry additional sections, be-

gining at No. 13, and ending with No. 18. Mr Fearn moved to amend the amendment made by the Senate to the 7th section with the following after the word "board," insert the words "or of such commissioners, as may be appointed by said board to superintend such part of the work," which was carried. Mr Fearn moved to amend the amendment of the Senate, by inserting after the 8th section, section No. 9, which was carried. *Ordered*, that the House concur in the other amendments made by the Senate to said bill. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Hudson, from the select committee to which was referred the bill from the Senate entitled an act to reduce the county tax of Franklin county, reported the same without amendment. And then the House adjourned till half past 9 o'clock, to-morrow A.M.

Tuesday, January 12, 1830.

The House met pursuant to adjournment.

Mr Forrest, from the committee on roads bridges and ferries, to which was referred the petition of sundry citizens of Prairie Bluff, in Wilcox county, praying that a ferry may be established at that place across the Alabama river, reported that it is inexpedient to legislate on the subject, and asked leave to be discharged from the further consideration thereof, which was granted.

Mr Lawler, from the same committee to which was referred the petition of sundry citizens of Shelby county, praying the passage of a law to change the route for the State road from Montevallo to shoal creek, also a counter petition on the same subject, reported that it is inexpedient to legislate on the subject at this time, in which report the House concurred.

Mr Rather, from the committee on propositions and grievances, to which was referred the petition of Edmond Prince, reported that a bill from the Senate entitled an act for the relief of Edmond Prince, embraces the subject, and asked leave to be discharged from the further consideration thereof, which was granted.

Mr Bibb made the following report: The committee on inland navigation, to which was referred the bill to be entitled "an act to establish a board for internal improvements," together with sundry proposed amendments; have had the same under consideration according to order, and have instructed me to report the bill with the following amendments, viz: in the fifteenth line where the interlineation occurs, strike out the words "three per cent fund;" at the end of the tenth section, add "*Provided* said board shall not be in session more than thirty days in one year, and that the first attention of said board shall be directed to the procurement of information as to the practicability of uniting the waters of the Tennessee with those of the Coosa river, together with the necessary estimates, of removing the obstructions in the Coosa river:" add at the end of the said bill, an additional "section 15. *And be it further enacted*, that the General Assembly of the State of Alabama shall have power and authority, whenever they may deem the interest of the state requires it, to alter amend or repeal this act or any part thereof." All of which is respectfully submitted. In which amendments the House concurred: and the rule requiring bills to be read on three several days being dispensed with, the bill was then considered as engrossed, read a third time forthwith; and the question being put, "shall the bill pass?" it was determined in the affirmative.

The yeas and nays being desired, those who voted in the affirmative are messrs Acklen, Banks, Bates, Bibb, Bradford, Brodnax, Byrnes, Clark, Coleman, Conner, Craig, Curtis, Dale, Dennis, Durrett, Fearn, Forrest, Green, Grigsby, Hester, Hod-

ges Horton. Hudson, Jack, Jackson, Jones, King, Lane, Lawler, Ligon, mardis, Massey, McElderry, Metcalfe, mims, Mobley, Moore, Murphree, Parsons, Penn, Philpott, Pope, Rather, Richardson, Ross, Roalston, Roysdon, Russell, Ship, Smith, Taylor, Van Dyke, Ward, Williams and Young—55.

Those who voted in the negative are messrs Barclay, Brown, Ellis, Flournoy, and Weissinger—5.

Ordered, that the title be as aforesaid. *Ordered*, that the same be sent to the senate for their concurrence.

Mr Parsons, from the judiciary committee, to which was referred the memorial of Henry Minor, reported a bill to be entitled an act to amend the act passed 14th of January 1828, entitled "an act to provide for reports of the decisions of the supreme court," which was read a first time, and ordered to a second reading to morrow.

Mr Conner, from the judiciary committee, to which was referred the bill from the Senate entitled an act to reduce the fees of the clerk of the supreme court of this State, reported the bill without amendment. Mr Van Dyke moved that the House disagree to the report, which was lost.

The yeas and nays being desired, those who voted in the affirmative are Messrs Barclay Bates Brown Byrnes Clark Cole Coleman Coopwood Craig Dennis Durrett Forrest Grigsby Hodges Horton Hudson Jackson Jones Massey McElderry Metcalfe Murphree Philpott Rather Richardson Roalston Roysdon Ship Smith Van Dyke Ward and Weissinger.

Those who voted in the negative are messrs Acklen Baker Banks Bibb Bradford Brodnax Conner Curtis Dale Ellis Fearn Fitts Flournoy Goldthwaite Green Hays Hester Jack King Lane Lawler Ligon mardis mims Mobley Moore Morrisett Oliver Parsons Penn Pope Robinson Russell Taylor Williams and Young—36.

Mr Hudson from the committee on accounts, to which was referred the account of George Roberts, Thomas J. Rutherford and Thomas Jones, reported that the said account is not legally chargeable on the State Treasury, and ask leave to be discharged from the further consideration thereof, which was granted.

Mr Weissinger from the committee on propositions and grievances, to which was referred the bill entitled, an act to authorize Henry Lucas and others to turnpike a certain road therein named, ask leave until to-morrow to make report, which was granted.

Mr Hudson from the committee on propositions and grievances to which was referred the petition of Edward A. McBryde, praying further compensation for taking the census of the Creek Indians, within the limits of the county of Montgomery, reported, that there is not sufficient evidence to satisfy them that he is entitled to any more compensation than has already been allowed him. The committee therefore, are of opinion that it is inexpedient to legislate on the subject at this time and ask leave to be discharged from the further consideration thereof, which was granted.

Mr Ellis from the judiciary committee, to which was referred a bill entitled, an act to authorize the guardians of the minor heirs of Samuel Bones, deceased, to sell and convey certain real estate, reported the same without amendment, and that in the opinion of said committee, it is inexpedient to pass the same. Mr Ligon moved that the House disagree to said report, which was lost. Yeas 26—Nays 37.

The Yeas and nays being desired, those who voted in the affirmative are messrs Acklen Banks Barclay Bates Bradford Brodnax Byrnes Cole Conner Coopwood Curtis Dennis Durrett Grigsby Hester Jackson Jones King Ligon Moor Philpott Richardson Ross Russell Taylor and Weissinger.

Those who voted in the negative are messrs Baker Bibb Brown Clark Craig Dale Ellis Fearn Fitts Flournoy Forrest Green Hodges Hudson Jack Lane Lawler mardis Massey McElderry Metcalfe mims Mobley Morrisett Parsons Penn

Pope Rather Robinson Roulston Roysdon Ship Smith Van Dyke Ward Williams and Young.

Mr Acklen from the select committee to which was referred a resolution instructing them to revise and amend, if found expedient, the charter of the town of Huntsville; reported that in the opinion of the committee, it would be inexpedient to make any alteration in the charter of said town without first having fully ascertained by petition or otherwise, the wishes of the inhabitants of said corporation upon the subject matter to be amended. in which report the House concurred.

Mr Ligon from the select committee to which was referred the bill from the Senate entitled, an act to incorporate the Tuscumbia Railway company, reported the same with sundry amendments, which were concurred in, it was then read a third time and passed.

The bill from the Senate entitled, an act to incorporate the stockholders and subscribers of the newly invented Marine Railway in the city of Mobile under the Rogers' patent, was read a second time, and the rule requiring bills to be read on three several days being dispensed with, it was read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

On motion of Mr Fearn, *Resolved*, that the principal clerk of this House be authorized to employ an additional assistant clerk for the remainder of the session.

The engrossed bill entitled, an act to designate a part of the line between the counties of Tuscaloosa and Bibb, was read a third time, and the question being put, "shall this bill pass," it was determined in the affirmative. Yeas 30—Nays 25.

The yeas and nays being desired, those who voted in the affirmative are messrs Baker Brodeur Clark Cole Coleman Comer Coopwood Craig Dale Dennis Fearn Fins Flournoy Goldthwaite Green Hester Hodges Horton Hudson Jackson King Lawler Mosley McElherry Metcalfe Morrisett Morphree Oliver Parsons Pope Rather Robinson Roulston Russell Ship Smith Ward Weissinger and Young.

Those who voted in the negative are messrs Speaker Acklen Banks Bates Bibb Brown Curtis Durrett Ellis Griesby Hays Jack Jones Lane Maudis Mims Mobley Moore Penn Philcott Ross Roysdon Taylor Van Dyke and Williams.

Ordered, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

A message from the Senate by Mr Gale. Mr Speaker: The Senate have read three several times and passed bills which originated in their House entitled, an act regulating the duties of masters and owners of steamboats on the Alabama and other rivers, and for other purposes, and an act to extend the power of the county and orphans' court in certain cases and for other purposes, in which they request the concurrence of your honorable body. They insist on their amendment to a bill which originated in the House of Representatives entitled, an act to amend an act entitled an act to regulate the licensing of physicians to practise and for other purposes therein named, passed December 22d, 1823.

Mr Fitts presented the account of William Crawford, which was read and referred to the committee on accounts.

Mr Taylor from the military committee, to which was referred the bill entitled, an act to amend the militia law of this State, reported a substitute in lieu thereof, the question was on adopting the substitute and lost. Mr Durrett moved to strike out the first section of the bill, and lost. Mr Durrett moved to strike out so much of the bill as imposes a fine of fifty cents for failing to carry arms to the muster ground, which was lost. It was then ordered to be engrossed for a third reading on to-morrow.

Mr Brodnax made the following report: The committee on enrolled bills have examined and found correctly enrolled, bills of the following titles, viz: an act making permanent the act prescribing the duties of sheriffs and returning officers in holding elections and returning the votes of all persons voting on proposed alterations of the constitution of the State of Alabama, approved January 26, 1829; an act to amend an act authorizing Wyatt Cheatham to cut out and establish a turnpike road; an act for the relief of the Warrior Guards, and an act to prevent the evil practice of betting on elections.

A message from the Senate by Mr Gayle. Mr Speaker: The Senate have read three several times and passed a bill which originated in their House entitled, an act to amend an act entitled an act concerning forcible entries and detainers, in which they ask the concurrence of your honorable body. They insist on their amendment to the fifth section of the bill entitled, an act to appoint canal commissioners for the improvement of the navigation of the Tennessee river and for other purposes, by striking from the third section the word "sixty," and inserting in lieu thereof, the word "ninety." They also insist on their amendment to the fifth section of the bill, by striking out all after the word "will" in the second line of said section to the word "and" in the twenty-ninth line of the same section. They recede from their amendment to the bill, by adding sections from No. 13 to 18. They concur in the amendment made by the House of Representatives to their amendment to the 7th section of the bill. They also concur in the amendment made by the House to their amendment to the 8th section of the bill.

The bill from the Senate entitled, an act to appoint commissioners to mark out a road through that part of Pike county now occupied by the Creek Indians and for other purposes, was read a second time. Mr Bibb moved to strike out the fourth section. Mr Ellis moved that the bill lie on the table. And then the House adjourned to half past 3 o'clock this evening.

At half past 3 o'clock the House met pursuant to adjournment.

A message from the Senate by G. W. Gayle. Mr Speaker; The Senate have read three several times and passed bills which originated in the House of Representatives entitled, an act to authorize the State to grant the old State House in the town of Cahawba, to the county of Dallas; an act to authorize the court of revenue and roads for Madison, to make an appropriation for the support of Isham Burke, a pauper of Madison county, and an act to change the times of holding the county courts of Clarke and Pickens counties, which they have amended by adding two additional sections, in which they ask the concurrence of your honorable body. They have receded from their amendment made to a bill which originated in the House of Representatives entitled, an act further to provide for the location of the seat of justice in Pickens county; they have also read three several times and passed, a bill which originated in their House, entitled, an act to repeal in part a certain act therein named, in which they ask the concurrence of your honorable body.

The House resumed the consideration of Mr Ellis's motion to lay the bill entitled, an act to appoint commissioners to mark out a road through that part of Pike county now occupied by the Creek Indians and for other purposes, on the table, which was lost. Mr Parsons moved to strike out of the fourth section of the bill, these words, "until the government of the United States shall otherwise direct," which was carried. The question was again on Mr Bibb's motion to strike out the fourth section, which was lost. Yeas 32—Nays 32.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker Acklen Bibb Brown Cole Coleman Conner Craig Dale Ellis Fearn Forrest Green Grigsby Hays Horton Jones Metcalfe Mims Mobley Moore Morrisett Richardson Robinson Ross Roysdon Russell Taylor Van Dyke Weissinger Williams and Young.

Those who voted in the negative are messrs Baker Banks Barclay Bates Bradford Brodnax Clark Coopwood Curtis Dennis Darrett Flournoy Goldthwaite Hester Hudson Jackson Lawler Ligon Mardis Massey McElderry Murphree Oliver Parsons Penn Philpott Pope Rather Roulston Ship Smith and Ward.

Mr Ellis moved to amend the bill by adding thereto an additional section, which was lost; it was made the special order of the day for to-morrow.

Mr Forrest who voted in the majority on the question to adopt the joint memorial from the Senate to the Congress of the United States, praying a removal of the land office from Huntsville to some more central point in said district, moved to reconsider the vote.

Mr Gayle moved that the House adjourn until to-morrow morning half past nine o'clock, which was carried. Yeas 32—Nays 30.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker Acklen Banks Barclay Bates Bradford Brodnax Brown Clark Conner Coopwood Craig Curtis Dale Dennis Ellis Fearn Flournoy Green Hays Horton Mardis Mims Mobley Moore Penn Richardson Roulston Russell Smith Van Dyke and Ward.

Those who voted in the negative are Messrs Baker Bibb Cole Coleman Darrett Forrest Grigsby Hester Hudson Jackson Jones Lawler Ligon Massey McElderry Metcalfe Morrisett Murphree Oliver Parsons Philpott Pope Rather Robinson Ross Roysdon Ship Taylor Weissinger and Young.

And then the House adjourned.

Wednesday morning, January 13, 1830.

The House met pursuant to adjournment.

Mr Lawler presented the account of James Rather, which was read and referred to the committee on ways and means.

Mr Weissinger from the committee on county boundaries, to which was referred a bill entitled, an act to repeal in part a certain act therein named, as also the petitions of sundry citizens of Pike county, praying to be attached to covington county, reported the same without amendment as expedient to be passed, and the rule requiring bills to be read on three several days being dispensed with, it was read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for concurrence.

Mr Moore presented the account of Dandridge Farris, which was referred to the committee on accounts.

Mr Lawler from the committee on propositions and grievances to which was referred a bill entitled, an act to authorize Henry Lucas and others to turnpike a road therein named, reported the same with sundry amendments, which were concurred in, the bill was then ordered to be engrossed and made the special order of the day for a third reading on to-morrow.

A mes-age from the Senate by Mr Gayle. Mr Speaker: The Senate have read three several times and passed, a bill which originated in the House of Representatives entitled, an act to authorize the corporation of the city of Mobile to raise and organize engine, hook and ladder fire companies in the said city, and have amended the same by striking out the words "one hundred" and inserting in lieu thereof, "fifty" as the whole number of the members of said companies, by striking from the 4th section \$50 and inserting \$20 as the extent of the fine authorized to be im-

posed, also by striking out the proviso at the end of the 6th section, and by striking out the 7th and 8th sections, in which amendments they ask the concurrence of your honorable body. They have also adopted the following resolution, in which they request the concurrence of your honorable body: *Resolved*, that with the concurrence of the House of Representatives, the Senate will assemble in the Representative Hall, at the hour of 7 o'clock p. m. upon Friday next, for the purpose of electing a president and twelve directors of the Bank of the State of Alabama, for the present year. Mr Parsons moved that the resolution lie on the table, which was carried. Yeas 32—Nays 30.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker, Acklen Barclay Bibb Bradford Brown Clark Coopwood Craig Curtis Dale Dennis Dirrett Fearn Flournoy Forrest Horton Hudson Jack Jackson Lawler Ligon Mardis Mossey Mims Moore Morrisett Parsons Philpott Pope Richardson Roulston Roysdon Russell Smith Van Dyke Ward and Williams.

Those who voted in the negative are messrs Baker Banks Bates Brodnax Byrnes Cole Coleman Cook Ellis Fitts Green Grigsby Hays Hester Hodges Jones Kieg Lane Metcalf Mobley Murphree Oliver Penn Rather Robinson Ross Ship Taylor Weissinger and Young.

The bill from the Senate entitled, an act to amend an act therein named, was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith. Mr Craig moved to strike out the second section of the bill, which was carried. Mr Moore moved that the bill be indefinitely postponed, which was lost. Yeas 33—Nays 36.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker, Acklen, Banks, Brown, Clark, Cole, Conner, Dale, Ellis, Fearn, Fitts, Forrest, Green, Grigsby, Hester, Jones, Kieg, Lawler, Mardis, Massey, Metcalf, Mims, Moore, Murphree, Penn, Roulston, Roysdon, Russell, Ship, Taylor, Ward, Weissinger and Young.

Those who voted in the negative, are messrs Baker, Barclay, Bates, Bibb, Bradford, Brodnax, Byrnes, Coleman, Coopwood, Craig, Curtis, Dennis, Dirrett, Flournoy, Goldthwaite, Hays, Hodges, Horton, Hudson, Jackson, Lane, Ligon, McEl-derry, Mobley, Morrisett, Oliver, Parsons, Philpott, Pope, Rather, Richardson, Robinson, Ross, Smith, Van Dyke and Williams.

The bill was then ordered to be made the special order of the day for a third reading on to morrow.

A message from the Senate by Mr Gayle. Mr Speaker: I am instructed by the Senate to inform your honorable body, that they have read a first time, and ordered to lie on the table till the first day of next session a bill which originated in the House of Representatives entitled, an act to repeal in part a certain act therein named.

Mr Brodnax made the following report: The committee on enrolled bills have examined and found correctly enrolled, bills of the following titles, viz: an act to authorize the court of revenue and roads for Madison county, to make an appropriation for the support of Isham Burke, a pauper of Madison county; an act further to provide for the location of the seat of justice in Pickens county, and an act to authorize the State to grant the old State House in the town of Cahawba, to the county of Dallas.

The bill from the Senate entitled, an act better to regulate the issuing of licenses to retailers of spirituous liquors. Mr Taylor moved that it be indefinitely postponed, which was carried.

The bill from the Senate entitled, an act to authorize Daniel Field and associates to turnpike a road in the county of Blount, was read a first time and the rule requiring bills to be read on three several days being dispens-

ed with, it was read a second time forthwith. Mr Forrest moved to amend the bill by adding thereto an additional section, which was carried. Mr Craig moved to amend it by way of proviso, which was carried. Mr Forrest moved to strike out section No 9, which was carried, and the rule being further dispensed with, it was read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

The bill from the Senate entitled an act to authorize certain persons to practice law in this State, was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time, and the rule being further dispensed with, it was read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Ordered, that the House concur in the amendments made by the Senate to their amendment to the bill entitled, an act for the relief of Sally Turner, executrix of Charles H. Turner, deceased. *Ordered*, that the clerk acquaint the Senate therewith.

The bill from the Senate entitled an act to regulate the interchange of the circuit judges, was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith. Mr Mobley moved to amend the bill by way of engrossed rider, which was lost, and the question being put shall the bill pass? it was determined in the affirmative. Yeas 53—Nays 15.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker, Acklen, Baker, Barclay, Bibb, Bradford, Brown, Byrnes, Clark, Cole, Coleman, Cook, Craig, Curtis, Dennis, Dorrett, Fearn, Fitts, Forrest, Green, Gigsby, Hays, Horton, Hudson, Jack, Jackson, Jones, King, Lane, Lawler, Ligon, Mardis, Massey, McElderry, Mims, Moore, Morrisett, Oliver, Parsons, Penn, Philpott, Pope, Rather, Richardson, Roalston, Roysdon, Russell, Smith, Taylor, Van Dyke, Weissinger, Williams and Young.

Those who voted in the negative are messrs Banks, Bates, Brodnax, Conner, Ellis, Flournoy, Goldthwaite, Hester, Metcalfe, Mobley, Murphree, Robinson, Rosa, Ship and Ward.

Ordered, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

The bill from the Senate entitled an act regulating the duties of masters and owners of steamboats on the Alabama and other rivers, and for other purposes, was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith. Mr Morrisett moved that it be indefinitely postponed, which was carried.

The bill from the Senate entitled an act to extend the powers of the county and orphans' courts in certain cases and for other purposes, was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and the rule being further dispensed with, it was read a third time forthwith and passed. *Ordered*, that the clerk acquaint the Senate therewith.

And then the House adjourned to half past 3 o'clock P. M.

At half past 3 o'clock the House met pursuant to adjournment.

A message from the Senate by G. W. Gayle; mr Speaker: The Senate have read three several times and passed bills which originated in the House of Representatives entitled an act to authorize the commissioned officers of the 11th regiment of the Alabama militia, to fix a regimental muster ground, and an act to establish a board of internal improvement for the State of Alabama.

Ordered, that the House recede from their disagreement to the amendment made by the Senate to the bill entitled an act to amend an act entitled an act to regulate the licensing of physicians to practice and for other purposes therein named, passed December 22d, 1823.

The bill from the Senate entitled an act to amend an act entitled an act concerning forcible entries and detainers. Mr Clark moved that the bill be indefinitely postponed, which was carried.

Mr Bibb moved that the House recede from their amendments made by the Senate to the bill entitled, an act to appoint canal commissioners for the improvement of the navigation of the Tennessee river and for other purposes.

The bill entitled an act to change the times of holding the county courts of Clarke and Pickens counties being under consideration, Mr Forrest moved to amend the amendment made by the Senate, by inserting after the word "the eof," and before the word "and" the words "so far as the county of Blount is concerned." The amendments were then concurred in. *Ordered*, that the clerk acquaint the Senate therewith. Mr Mobley moved to amend the title of the bill with the words "of certain counties therein mentioned," which was carried.

The bill from the Senate entitled an act to repeal in part a certain act therein named, was read a first time and ordered to a second reading tomorrow.

Mr Bates moved that the House disagree to the amendment made by the Senate to the bill entitled an act to authorize the corporation of the city of Mobile to raise and organize engine and hook and ladder fire companies in the said city, and for other purposes, by striking out of the 1st section, by striking out "one hundred" to insert "fifty," which was carried. *Ordered*, that the House concur in the amendment made by striking out "fifty" to insert "twenty." Mr Bates moved that the House disagree to the amendment, by striking out the proviso to the 6th section, which was carried. Mr Bates also moved that the House disagree to the amendment made by the Senate, by striking out the 7th and 8th sections of the bill, which was carried.

Mr Mobley called up the bill entitled, an act to attach a part of the counties of Clarke and Wilcox to the county of Monroe, and for other purposes; the bill then being on its second reading, Mr Morrisett moved to amend it by striking out all after the enacting clause, with a view to insert an amendment in lieu thereof. A division of the question being called for, the vote was first taken on striking out and lost, and the rule requiring bills to be read on three several days being dispensed with, it was then read a third time, and the question being put, shall this bill pass? it was determined in the affirmative. Yeas 50—Nays 6.

The yeas and nays being desired, those who voted in the affirmative are messrs Acklen, Banks, Barclay, Bates, Bibb, Bradford, Brodnax, Brown, Byrnes, Cole, Conner, Coopwood, Curtis, Dale, Dennis, Dorret, Ellis, Fearn, Green, Grigsby, Hays, Hester, Horton, Hudson, Jack, Jackson, Jones, King, Lane, Lawler, Ligon, Mardis, Massey, McElderry, Metcalfe, Moore, Morrisett, Morphree, Oliver, Parsons, Pope, Rather, Robinson, Roulston, Smith, Taylor, Ward, Weissinger, Williams and Young.

Those who voted in the negative are Messrs Fitts, Mobley, Penn, Philpott, Ross, and Ship.

Ordered, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Acklen made the following report: The committee on enrolled bills have examined and found correctly enrolled the following bills: an act to

regulate certain proceedings of county courts; an act for the relief of Benjamin Hudson and William Alsobrooks, and an act making an appropriation for the increase of the supreme court library. A joint memorial praying indemnity for losses sustained by the depredations of the Creek Indians; joint resolutions proposing amendments to the constitution of the State of Alabama, so as to have biennial sessions of the General Assembly thereof, and a joint resolution instructing our Senators and requesting our Representatives in Congress, to use their exertions to procure a remission of the duties which may accrue upon the importation of a library and apparatus for the University of Alabama, all of which originated in the Senate.

The bill from the Senate entitled an act to establish the permanent seat of justice in Dale county, was read a second time. Mr Bibb moved to amend the bill by striking out all after the word "at" to insert Dalesville, which was carried, and the rule being dispensed with requiring bills to be read on three several days, it was read a third time forthwith and passed.

The engrossed bill entitled an act to change the compensation of jurors in the counties of Henry and Dale, was read a third time and passed. Ordered, that the title be as aforesaid. Ordered, that the same be sent to the Senate for their concurrence.

A message from the Governor, by James I. Thornton. Mr Speaker: The Governor did this day approve and sign the following bills: an act to change the time of holding the circuit courts in the counties of Henry, Dal., Covington, Baldwin and Mobile; an act for the relief of Andrew O. Horn, tax collector for Lawrence county; an act to incorporate Marion academy, in Perry county; an act to amend an act to authorize the building of a jail in Morgan county; an act to authorize the State to grant the old State House, in the town of Cahawba, to the county of Dallas; an act further to provide for the location of the seat of justice in Pickens county; an act to authorize the court of revenue and roads for Madison county, to make an appropriation for the support of Isham Burke, a pauper of Madison county; a joint memorial requesting a grant of lands by the Congress of the United States, for the use of a female academy in each county of this State; resolution instructing our Senators and requesting our Representatives in Congress, to procure by the United States engineers, as early as may be, a survey of the proposed canal between the rivers Connausauga and Coosa, and the practicability and probable cost of the work; and a joint resolution requiring the offices of the comptroller and treasurer to be examined annually, all of which originated in the House of Representatives.

The bill from the Senate entitled an act to establish La Grange college was read a second time and referred to a select committee consisting of messrs Horton, Bibb, Fearn and Hudson.

Mr Parsons offered the following: *Resolved*, with the concurrence of the Senate, that a resolution heretofore adopted by both Houses, to adjourn on Saturday next be rescinded; and be it further resolved, that with the concurrence of the Senate, both Houses will adjourn this session on Wednesday the 20th instant. Mr Clark moved that the further consideration of the resolution be postponed until Friday next, which was carried.

The bill entitled an act to alter the times of holding the county courts of the county of Dallas was referred to a select committee consisting of messrs Van Dyke, Roysdon, and Ellis.

The bill from the Senate entitled an act to alter and amend the charter

of the incorporation of the city of Mobile, was referred to the representatives from Mobile county.

The bill entitled an act to amend the militia laws of this State, was made the special order of the day for to-morrow.

The bill entitled an act to amend an act to incorporate the Huntsville fire engine company, passed Dec. 10th 1823, was read a second time, and the rule requiring bills to be read on three several days being dispensed with, it was then read a third time, considered as engrossed and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for concurrence.

A message from the Senate by Mr Gayle. Mr Speaker: I am instructed by the Senate to inform you that they have read three several times and passed bills which originated in their House entitled an act to amend an act passed at the General Assembly and approved 15th January 1828, authorizing a lottery for the purpose of building an academy and court house in the county of Henry; and an act to incorporate the library society of the bench and bar of the supreme court of the State of Alabama, in which they ask the concurrence of your honorable body.

The bill entitled an act to amend the law now in force in relation to the change of venue in civil cases, and for other purposes, was read a second time. Mr Clark moved that it be indefinitely postponed, which was carried.—Yeas 34—Nays 33.

The yeas and nays being desired, those who voted in the affirmative are Messrs Speaker, Barclay, Brown, Byrnes, Clark, Cole, Coopwood, Dennis, Ellis, Flournoy, Goldthwaite, Green, Grigsby, Hays, Horton, Hudson, Jones, King, Lawler, Mardis, Massey, Metcalfe, Mims, Oliver, Philpott, Richardson, Roysdon, Ship, Taylor, Van Dyke, Ward, Weissinger, Williams and Young.

Those who voted in the negative are Messrs Acklen, Baker, Banks, Bates, Bibb, Bradford, Brodnax, Coleman, Conner, Craig, Curtis, Dale, Durrett, Fearn, Fitts, Hester, Jackson, Lane, Ligon, McElderry, Mebley, Moore, Morrissett, Murphree, Parsons, Penn, Pope, Rather, Robinson, Ross, Roulston, Russell, and Smith.

The bill entitled an act authorizing a lottery for the benefit of Autauga lodge, No. 30, of Ancient Free Masons, was read a second time. Mr Brodnax moved to amend the bill by striking out 30, to insert 31, which was carried. And the rule requiring bills to be read on three several days being dispensed with, it was considered as engrossed, and read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr. Banks then moved that the House adjourn until to-morrow morning half past nine o'clock, which was lost. Yeas 18—Nays 49.

The yeas and nays being desired those who voted in the affirmative are messrs Banks, Barclay, Bibb, Byrnes, Clark, Conner, Dale, Goldthwaite, Hays, Horton, Jack, Mardis, mims, rather, richardson, roulston, russell, and Van Dyke.

Those who voted in the negative are messrs Speaker, Acklen, Baker, Bates, Bradford, brodnax, Brown Cole, Coleman, Coopwood, Craig, Curtis, Dennis, Durrett, Ellis, Fearn, Fitts, Flournoy, Green, Grigsby, Hester, Hudson, Jackson, Jones, King, Lane, Lawler, Ligon, massey, Metcalfe, mebley, moore, morrissett, morphree, Oliver, Persons, Penn, Philpott, Pope, robinson, ross, roysdon, Ship, Smith, Taylor, Ward, Weissinger, and Young.

Mr Conner moved that the House adjourn until nine o'clock, which was lost. Yeas 23—Nays 45.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker Banks Barclay Bibb Bradford Byrnes Clark Conner Curtis Dale Ellis Forrest Goldthwaite Hays Jack Ligon massey, mims Rather Richardson Roulston Russell and Van Dyke.

Those who voted in the negative are messrs Acklen Baker Bates Brodnax Brown Cole Coleman Coopwood Craig Dennis Durrett Fearn Fitts Flournoy Green Grigsby Hester Horton Hudson Jackson Jones King Lawler Massey Metcalfe Mobley Moore Morrisett Murphree Oliver Parsons Penn Philpott Pope Robinson Ross Roysdon Ship Smith Taylor Ward Weissinger Williams and Young.

Mr Pope then moved that the House adjourn till seven o'clock this evening, which was carried. Yeas 56—Nays 11.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker Acklen Baker Bates Bibb Bradford Brodnax Brown Clark Cole Coleman Coopwood Craig Curtis Dennis Durrett Ellis Fearn Fitts Flournoy Forrest Goldthwaite Green Grigsby Hays Hester Horton Hudson Jackson Lane Lawler Massey McElderry Metcalfe Mobley Moore Morrisett Murphree Oliver Parsons Penn Philpott Pope Rather Richardson Ross Robinson Roysdon Ship Smith Taylor Van Dyke Ward Weissinger Williams and Young.

Those who voted in the negative are messrs Banks Barclay Byrnes Conner Dale Jones King Ligon Mims Roulston and Russell.

And then the House adjourned.

At seven o'clock the House met pursuant to adjournment.

The bill from the Senate entitled an act to amend an act passed at the General Assembly, and approved the 15th January, 1828, authorizing a lottery for the purpose of building an academy and court house in the county of Henry, was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and the rule being further dispensed with, it was read a third time forthwith and passed. Mr Bibb moved to amend the title of the bill, which was carried. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

The bill from the senate entitled an act to incorporate the library society of the bench and bar of the supreme court of Alabama, was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith. Mr Clark moved to amend the bill by adding thereto an additional section, No. 3, which was carried: and the rule being further dispensed with, it was read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the senate therewith.

The bill from the Senate entitled an act to reduce the county tax of Franklin county, was read a third time and passed. Mr Parsons moved to amend the title of the bill by striking out the word "reduce," and inserting in lieu thereof the word "regulate" which was carried. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

The bill from the Senate entitled an act to fix the time for convening the General Assembly of the State of Alabama was read a second time. Mr Clark moved that the bill be indefinitely postponed, which was lost. Yeas 28—Nays 31.

The yeas and nays being desired, those who voted in the affirmative are messrs Acklen, Barclay, Bradford, Byrnes, Clark, Craig, Curtis, Dale, Durrett, Ellis, Flournoy, Forrest, Lawler, Massey, McElderry, Metcalfe, Morrisett, Parsons, Philpott, Pope, Rather, Roulston, Russell, Ship, Smith Taylor Williams and Young.

Those who voted in the negative are messrs Speaker, Baker, Bates, Bibb, Brodnax, Brown, Cole, Coopwood, Dennis, Fitts, Green, Grigsby, Hays, Hester, Horton, Hudson, Jackson, Jones, King, Lane, Mims, Mobley, Moore, Murphree, Oliver, Penn, Richardson, Roysdon, Van Dyke, Ward, and Weissinger,

Mr Clark moved that the bill lie on the table, which was carried.

The engrossed bill entitled an act for the payment of Benjamin M. Bradford and Jack Shackelford, for stationary, printing and other purposes, was, on motion of Mr Coopwood, postponed until to-morrow.

The engrossed bill entitled an act more effectually to prevent the circulation of what are termed change bills or tickets, was read a third time, and the question being put, "shall this bill pass?" it was determined in the affirmative. Yeas 36—Nays 27.

The yeas and nays being desired, those who voted in the affirmative are messrs Acklen, Baker, Bates, Bibb, Bradford, Conner, Coopwood, Curtis, Fitts, Forrest, Hays, Horton, Hudson, King, Lane, Ligon, Massey, McElderry, Mims, Moore, Murphree, Oliver, Parsons, Penn, Philpott, Pope, Rather, Richardson, Robinson, Ross, Roysdon, Russell, Ship, Smith, Taylor, and Williams.

Those who voted in the negative are messrs Speaker, Barclay, Brodnax, Brown, Byrnes, Clark, Cole, Craig, Dale, Dennis, Durrett, Ellis, Flournoy, Green, Grigsby, Hester, Jackson, Jones, Lawler, Metcalfe, Mobley, Morrisett, Roulston, Van Dyke, Ward, Weissinger, and Young.

Ordered, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The bill entitled an act to increase the capital of the Bank of the State of Alabama was read a second time. Mr Bibb moved that the bill lie on the table, which was carried.

Mr Coopwood obtained leave to introduce a bill to be entitled an act to provide for the more equal distribution of discounts in the bank of the State of Alabama, among the different counties in this State, which was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was then read a second time forthwith. Mr Grigsby moved that the further consideration of the bill be postponed to the first Monday in August next, which was lost. Yeas 15—Nays 47.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker, Baker, Cole, Conner, Dale, Ellis, Fitts, Forrest, Grigsby, Hays, Mims, Robinson, Roysdon, Van Dyke, and Young.

Those who voted in the negative are messrs Acklen, Barclay, Bates, Bradford, Brodnax, Brown, Byrnes, Clark, Coopwood, Craig, Curtis, Dennis, Durrett, Flournoy, Green, Hester, Horton, Hudson, Jackson, Jones, King, Lane, Lawler, Ligon, Massey, McElderry, Metcalfe, Mobley, Moore, Morrisett, Murphree, Oliver, Parsons, Penn, Philpott, Pope, Rather, Richardson, Ross, Roulston, Russell, Ship, Smith, Taylor, Ward, Weissinger, and Williams.

It was then referred to the committee of the State Bank, with instructions to report on Friday morning.

On motion of Mr Clark: *Resolved*, that the clerk of this House be authorized to employ an enrolling clerk, if necessary, to enroll the acts which originate in this House.

The bill from the Senate entitled an act to authorize the inhabitants of Township 2, range 1, east, in Madison county to hold an election for the purpose of ascertaining the wishes of said inhabitants in regard to selling the sixteenth section therein, and for other purposes, was read a second time, and referred to a select committee consisting of messrs Lawler, Clark and Jones, to consider and report thereon.

The bill entitled an act to provide compensation to constables, for arresting deserted or run-away seamen, was read a second time, and referred to the judiciary committee.

The bill entitled an act for the relief of Michael Robins, was read a second time, and the rule for reading bills on three several days being dispensed with, it was considered as engrossed, and read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The bill entitled an act supplementary to and amendatory of the laws relating to executors and administrators, and for other purposes being

under consideration; mr Moore moved that the bill lie on the table, which was carried.

Mr Conner moved that the House adjourn till to-morrow morning, half past nine o'clock, which was lost. Yeas 19—Nays 42.

The yeas and Nays being desired, those who voted in the affirmative are mesers Speaker, Barclay, Brodnax, Conner, Dale, Dennis, Ellis, Fitts, Flournoy, Forrest, Hays, Ligon, Mims, Morrisett, Oliver, Rather, Richardson, Ross, and Russell,

Those who voted in the negative are Messrs Acklen, Baker, Bates, Bradford, Brown, Byrnes, Clark, Cole, Coopwood, Craig, Durrett, Green, Grigsby, Hester, Horton, Hudson, Jackson, Jones, King, Lane, Lawler, Massey, McElderry, Metcalfe, Mobley, Moore, Murphree, Parsons, Penn, Philpott, Pope, Robinson, Roulston, Roysdon, Ship, Smith, Taylor, Van Dyke, Ward, Weissinger, Williams, and Young.

The bill entitled an act more effectually to secure the estates of females being under consideration: mr Coopwood moved the bill be indefinitely postponed—mr Forrest moved that the House adjourn until to-morrow morning, half past nine o'clock, which was carried. Yeas 35—Nays 26.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker, Acklen Barclay Bates Bradford Brodnax Conner Dale Dennis Durrett Ellis Fitts Flournoy Forrest Hays Horton King Ligon McElderry mims Morrisett Oliver Parsons Penn Pope Rather Richardson, Robinson Ross Roysdon Russell Smith Van Dyke Ward and Williams.

Those who voted in the negative are messrs Baker Brown Byrnes Clark Cole Coopwood Craig Green Grigsby Hester Hudson Jackson Jones Lane Lawler massey metcalfe mobley moore murphree Philpott Roulston Ship Taylor Weissinger and Young.

And then the House adjourned.

Thursday, January 14, 1830.

The House met pursuant to adjournment.

Mr Speaker laid before the House the memorial of E. S. Farish and others, in relation to the State Architect, which was read and laid on the table.

Mr Ross offered the following resolution: *Resolved*, that the committee on ways and means be instructed to inquire into the expediency of reducing the State tax with leave to report by bill or otherwise. Mr Clark moved that the resolution lie on the table, which was carried.

Mr Young presented the account of John Tatom, which was read and referred to the committee on accounts.

Mr Forrest presented the account of the Sheriff of Jefferson county, which was read and referred to the committee on accounts.

Mr Forrest presented the petition of sundry inhabitants of Shelby county, and resident in that part of said county called the upper end of Cahawba valley, praying to be attached to Jefferson county, which was read. Mr Mardis moved that it lie on the table, which was carried.

Mr Horton presented the memorial of Samuel Martin, which was read and referred to the military committee, with instructions to report to-morrow morning.

Mr M'Elderry, from the committee on accounts, to which was referred sundry accounts and claims against the State, reported a bill to be entitled an act making appropriation for the payment of certain claims against the State, which was read a first time: and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and recommitted to the same committee that reported it.

Mr Young, from the judiciary committee, to which was referred a bill to be entitled an act to compel purchasers of land to pay occupants for their improvements, reported the said bill without amendment, and that in the opinion of said committee it is inexpedient to pass such a law.

Mr Baker moved that the House disagree to said report: mr Clark moved that the report lie on the table: mr Penn moved that the further consideration be postponed till the first Monday in August next, which was lost.

The yeas and nays being desired, those who voted in the affirmative are messrs Banks Hubbard Bradford Brown Byrnes Clark Cole Conner Curtis Ellis Fearo Ellis Forrest Green Jack King Massey mims Mobley Morrisett Penn Pope Richardson Robinson Roysdon Taylor Van Dyke Weissinger Williams and Young—30.

Those who voted in the negative are messrs Speaker Acklen Baker Barclay Brodnax Coleman Coopwood Craig Dale Dennis Durrett Flournoy Goldthwaite Grigsby Hays Hester Hedges Horton Hudson Jackson Jones Lane Lawler Ligon Mardis McElderry Metcalfe Murphree Oliver Philpott, Rather Ross Russell Ship Smith and Ward—36.

The question was again on mr Clark's motion and lost: The question was again on mr Baker's motion and lost. Mr Morrisett moved to amend the bill by way of proviso: mr Rather moved to amend it by an additional section—mr Goldthwaite then moved that the bill together with the proposed amendments, be referred to a select committee with instructions to report to-morrow morning; whereupon messrs Goldthwaite, Durrett, and Craig were appointed.

Mr Conner, from the committee on ways and means to which was referred a resolution instructing them to inquire into the expediency of selling the ferry and public buildings, the property of the State in the vicinity of the town of Cahawba, reported that in their opinion it is inexpedient to sell the said property at this time, and ask leave to be discharged from the further consideration thereof, which was granted.

Mr Conner, from the same committee, to which was referred the petition of sundry inhabitants of the county of Clarke, praying legislative enactments relative to the collection of monies from their clerks and for other purposes, reported that it is inexpedient to legislate upon the subject, and asked leave to be discharged from the further consideration of the subject which was granted.

Mr Conner, from the same committee to which was referred a resolution instructing them to inquire into the expediency of establishing an agricultural society in this State, upon the plan that exists in the State of New York, for the encouragement of similar institutions, reported that it is inexpedient to legislate on the subject, and asked leave to be discharged from the further consideration thereof, which was granted.

Mr Conner from the same committee, to which was referred a resolution instructing the said committee to inquire what compensation is now allowed by law to assessors and tax collectors, for assessing and collecting taxes, for county purposes, and whether it may not be necessary to pass a law more particularly defining the compensation of the said officers for the services aforesaid, reported that the compensation of these officers will be found in the statutory laws of the State, and that it is inexpedient to legislate any further upon the subject, in which report the House concurred.

Mr Clark made the following report: The committee on county boundaries, to whom was referred a bill to be entitled an act to designate the boundaries of Jackson county, as also the petition of sundry citizens of Jackson county, praying that the boundaries of said county be extended into the Cherokee nation, to include Gunter's landing and the adjacent Indian county, as also the petition of sundry citizens of Madison county, praying that said county of Jackson may be extended as aforesaid, have according to order had said bills and petitions under consideration, and have instructed me to report said bill without amendment, and that it is expedient to extend the limits of Jackson county as prayed for by said

petitioners. Mr Rather moved that the bill together with the report lie on the table, which was carried.

Mr Hudson, from the committee on accounts, to which was referred a resolution instructing them to report to this House a bill revising and reducing into one all the acts in relation to accounts and claims against the State, plainly stating in what form accounts shall be made out and certified before the same shall be allowed, reported a bill to be entitled an act prescribing more fully the manner in which accounts against the State shall be authenticated and certified for keeping State prisoners, which was read a first time; and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith. Mr Goldthwaite moved to amend the bill by way of proviso, which was carried. Mr Young moved to amend the third section by inserting after the word "pillory," and before the word "in," the words "or for committing or releasing any prisoner," which was carried. And the rule requiring bills to be read on three several days being further dispensed with, it was considered as engrossed, and read a third time forthwith. Mr Coopwood moved to amend the bill by way of engrossed rider, which was lost. The bill was then passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Acklen made the following report: The committee on enrolled bills have examined and found correctly enrolled bills of the following titles, to wit: an act to amend an act entitled an act to regulate licensing of physicians, passed December 22, 1823; an act to establish a board of internal improvement for the State of Alabama; and an act to appoint canal commissioners for the improvement of the navigation of the Tennessee river, and for other purposes, all of which originated in this House.

Mr Ligon, from the judiciary committee to which was referred a bill entitled an act to provide compensation to constables for arresting deserted or runaway seamen, reported the same without amendment, and that in the opinion of said committee it is inexpedient to pass such a law, and the rule requiring bills to be read on three several days being dispensed with, it was considered as engrossed, and read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Message from the Senate by G. W. Gayle. Mr Speaker: The Senate have read three several times and adopted a memorial to the Congress of the United States, which originated in the House of Representatives, entitled memorial to Congress upon the subject of public lands, and have amended the same by striking out all after the word "memorial," in the caption, and substituting in lieu thereof the memorial herewith reported, and have amended the caption so as to read as follows, viz: "memorial of the General Assembly of the State of Alabama on the subject of forfeited and relinquished lands in said State," in which amendments they ask the concurrence of your honorable body. They concur in the amendments made by your honorable to a bill which originated in their House entitled an act to authorize Daniel Field and associates to turnpike a road in the county of Blount. They have also read three several times and passed a bill which originated in the House of Representatives, entitled an act supplementary to an act passed the 15th day of January, 1828, entitled an act to authorize the sales of sixteenth sections, and for other purposes, and have amended the same as herewith shewn, in which they ask

the concurrence of your honorable body. They have read three times and passed a bill which originated in the House of Representatives, entitled an act to discontinue and establish certain election precincts therein named, and have amended the same as herewith shewn. They concur in the amendment made by your honorable body to their amendments to a bill which originated in the House of Representatives, entitled an act to change the times of holding the county courts of Clarke and Pickens counties. They have also read three several times and passed a bill which originated in the House of Representatives, entitled an act for the relief of Michael Robins. They recede from their amendment to a bill entitled an act to authorize the corporation of the city of Mobile to raise and organize engine, hook and ladder companies in the said city, by striking out 100, and inserting 50 in the 1st section: they also recede from their amendment striking the proviso from the end of the 6th section: they also recede from their amendment by striking out the 7th section of the bill: they insist on their amendment by striking out the 8th section of the bill. They have read three several times and passed a bill which originated in the House of Representatives, entitled an act authorizing a lottery for the benefit of Autauga Lodge, No 31, of Ancient Free Masons.

Mr Clark made the following report: The committee on county boundaries to whom was referred the petition of sundry citizens of Walker county, praying that the eastern line of said county be on the 5th range line, west, and that the act of last session locating the seat of justice in said county be repealed, have according to order had said petition under consideration, and have instructed me to ask leave to be discharged from the further consideration of said petition. Mr Ligon moved that the report lie on the table, which was carried.

Mr Clark made the following report: The committee on county boundaries to whom was referred the petition of sundry citizens of township 14 and 15, in range 9 west, of the basis meridian of Huntsville, praying that said township be added from the county of Fayette to the county of Walker, have according to order had the said petitions under consideration, and have instructed me to ask leave to be discharged from the further consideration of said petition, which was granted.

Mr Goldthwaite, from the committee of ways and means, reported a bill to be entitled an act making appropriations for the year 1830, which was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith, and laid on the table.

Mr Clark made the following report: The committee on county boundaries to whom was referred the petition of sundry citizens of St. Clair county, praying that the line between Jefferson and St. Clair may be straightened, as also the memorial of sundry citizens of Jefferson county, praying that said territory may not be taken from that county and added to St. Clair, have according to order had said memorial and petition under consideration, and have instructed me to ask leave to be discharged from the further consideration thereof. *Ordered*, that said report lie on the table.

Mr Bibb made the following report: The select committee to which was referred the resolution directing a contract to be made for printing 525 copies of the report of the joint committee who investigated the conduct of the land commissioners, and the accompanying evidence, and authorizing said committee to employ the secretary who took down the

evidence to superintend the said printing, have according to order discharged said duty, and have instructed me to report that they have contracted with messrs M'Guire Henry and Walker, editors of the State Intelligencer, for printing said report and accompanying evidence, and at the rate of forty-five dollars for twenty-four pages, in pamphlet form, and in that proportion should said documents contain a greater or less number of pages. Your committee was compelled to adopt this method of making the contract, from their inability to ascertain what number of pages the printing of the same would require. They have likewise employed mr Abbott who acted as secretary to said committee, and agreed to allow him a reasonable compensation therefor, to which they respectfully ask the concurrence of the House. Mr Bibb moved that it be referred to the committee on accounts, which was carried.

Mr Roysdon, from the select committee to which was referred the bill to be entitled an act to alter the times of holding the county courts of the county of Dallas, reported a substitute in lieu thereof, which was adopted; and the rule requiring bills to be read on three several days being dispensed with, it was considered as engrossed, and read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

A message from the Senate by Mr Gayle. Mr Speaker: The Senate have read three several times and passed a bill which originated in the House of Representatives, entitled an act to amend an act passed Dec. 10th, 1823, entitled an act to amend an act to incorporate the Huntsville fire engine company, passed 10th December, 1822. They concur in the amendments made by your honorable body to the caption of the bills which originated in their House, entitled an act to reduce the county tax of Franklin county, and an act to amend an act passed at the General Assembly, and approved 15th January, 1828, authorizing a lottery for the purpose of building an academy and court house in the county of Henry. They concur in the amendments made by your honorable body, to a bill which originated in the Senate entitled an act to incorporate the library society of the bench and bar of the supreme court of Alabama. They have read three several times and passed a bill which originated in the Senate entitled an act to revive and continue in force an act to incorporate the town of Selma, in the county of Dallas, passed Dec. 4, 1820, in which they ask the concurrence of your honorable body.

Mr Hudson, from the select committee to which was referred the bill entitled an act to authorize James Davis and associates to turnpike a certain road therein named, reported the same with sundry amendments, which were concurred in. Mr Baker moved to strike out the word "twenty," with a view to insert "ten." A division of the question being called for, the vote was first taken on striking out and carried. Mr Hudson moved to fill the blank with the word "ten," which was carried. Mr Ligon moved to amend the bill by adding thereto an additional section, which was carried—The rule being dispensed with, it was considered as engrossed, and read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for concurrence.

Mr Lawler, from the select committee to which was referred the petition of the inhabitants of township 19, range 2, east, in Shelby county, praying the passage of a law to authorize said inhabitants to sell the 16th section in said township; also, a bill from the Senate entitled an act to authorize the inhabitants of township 2, range 1, east, in Madison coun-

ly, to hold an election for the purpose of ascertaining the wishes of said inhabitants in regard to selling the 16th section therein, reported the same with an amendment, which was concurred in. The rule being dispensed with, the bill was read a third time forthwith and passed. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Mardis called up the joint resolution of the General Assembly of the State of Alabama, concerning the right of the said State to the public lands—And then the House adjourned to 3 o'clock this evening.

At three o'clock the House met pursuant to adjournment.

The House resumed the consideration of the joint resolution of the General Assembly of the State of Alabama, concerning the right of the said State to the public lands. Mr Clark moved that the further consideration of the resolution be postponed to the first Monday in August next, which was carried. Yeas 41—Nays 29.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker Acklen Barclay Bibb Bradford Brown Byrnes Clark Cole Conner Coopwood Craig Curtis Dale Ellis Fearn Fitts Flournoy Forrest Green Grigsby Jones King Massey McElderry Metcalfe Mims Moore Morrisett Murphy Penn Philpott Pope Rather Richardson Reulston Roysdon Russell Van Dyke Williams and Young.

Those who voted in the negative are messrs Baker Banks Bates Brodnax Coleman Dennis Durrett Goldthwaite Hays Hester Hodges Horton Hudson Jack Jackson Lane Lawler Ligon Ludis Mobley Oliver Parsons Robinson Ross Ship Smith Taylor Ward and Weissinger.

A Message from the Senate by Mr Gayle. Mr Speaker: I am instructed by the Senate to inform you that they have rejected a bill which originated in the House of Representatives entitled an act to provide a compensation to constables for arresting deserted or runaway seamen. They concur in the amendments made by your honorable body to bills which originated in their House, entitled an act to incorporate the Tusculumbia railway company; an act to authorize the inhabitants of township 2, range 1, east, in Madison county, to hold an election for the purpose of ascertaining the wishes of said inhabitants in regard to selling the sixteenth section therein, and for other purposes; and an act to establish the permanent seat of justice in Dale county. They have also read three several times the amendment made by your honorable body to the joint resolutions originating in their House, entitled joint resolutions ratifying the proposed amendments to the constitution of the State of Alabama, so as to limit the tenure of the judges offices to six years, and adopted and ratified the same by a constitutional majority.

A message was received from the Governor, by George N. Stewart, Esq. which is as follows:

EXECUTIVE DEPARTMENT, Tuscaloosa Jan. 14th 1830.

The Honorable the Speaker and members of the House of Representatives.

GENTLEMEN—I have great pleasure in transmitting, by their acting Secretary, the annual report of the Board of Trustees of the University of Alabama, which doubtless will be read with much interest. I have the honor to be, most respectfully your obedient servant.

GABRIEL MOORE.

The Board of Trustees of the University of Alabama respectfully submit their annual report to the General Assembly. The financial situation of the Institution will be seen from the following statement: CAPITAL STOCK.

The proceeds of the sale of 21,845 75 acres of land, up to the 8th day of Dec. 1829,

304,651 06

Of this amount there has been received in cash and invested in six per cent State stock the sum of

111,712 59 1-4

There are bonds, outstanding, and now due to the amt. of

58,884 35 1-2

Bonds outstanding and which will fall due in 1830, to the amount of

5,153 19 1-2

in 1831

45,883 40 1-2

in 1822	17,532 59 1-4
in 1833	46,478 00 1-2
in 1834	1,441 77
in 1835	14,940 56
in 1836	13,222 22 1-4
in 1837	9,415 15

And there are remaining unsold 24,234.25 of acres of land

INCOME FUND.

From all sources,

51,620 76

Consisting in Six per cent Stock of the state 16,941 77 1-4

Cash in the Treasury 26th Nov. 1828 5,903 31 1-4 22,845 08 1-2

Cash dividend upon \$128,654 56 1-2 Six per cent State Stock declared Nov. 9, 1829 7,549 21

Cash for rent of lands on interest bonds, and interest on bonds for deferred payments from 26th Nov. 1828 to 26th Nov. 1829, 4,226 46 1-2 11,775 67 1-2

Cash amount borrowed by the University from the State Bank, and unpaid.

17,000 00

DISBURSEMENTS.

There has been disbursed from 26th Nov. 1821, to the 26th Nov. 1829

As follows, to wit:

the sum of 30,213 07 3-4

Towards buildings of the University,

27,664 19 1-4

Current expenses of the Board and to agent for selecting lands for the University,

1,217 93

Architect's salary,

938 25

Agent's commission for collecting Income Fund from the 26th Nov. 1823, to the 26th Nov. 1831.

129 20

Interest retained by the Bank on 17,000 dollars the amount borrowed from said Bank, during 1829,

263 50

The Board of Trustees further report, that the detail of all their proceedings since the last annual report, will be seen by an examination of the journals, to which they respectfully refer your honorable body. At the same time they have felt it their duty to present herewith, a condensed expose of some of the more prominent which have claimed attention or occupied their deliberations since the last annual report. The building committee and the board of trustees, with the assistance of Mr. Wm. A. Childs state architect, on discharge of the duty assigned to them entered into some and perfected other contracts for the completion of the University buildings, required to be constructed for by a previous resolution of the board. It is believed that those contracts were judiciously made, and entered into upon terms as advantageous to the State and University, as could have been anticipated. Under those contracts, the several contractors progressed in the erection and completion of said portions of the University building as were contemplated by their respective contracts, and as the work progressed, the several contractors were paid pursuant to the terms of their contracts respectively. The application of the University fund to those contracts, as well as to the progress of the University buildings will be seen by the report of the building committee and the State Architect, hereto appended; and the Board of Trustees entertain a sanguine hope, that those buildings will be completed by the day of ———. Shortly after their last annual report the board of trustees felt a deep solicitude, both to husband and economise as far as practicable, the funds of the University, and at the same time to establish such Professorships, provide such compensation and to direct such a course of instruction in the University, as in their opinion, would promote the great and legitimate purposes of the institution.

By a resolution of their board a committee was appointed to take this important matter into their consideration, who, after maturely considering the subject referred to their deliberation reported, as their opinion, that it would be advisable and proper to commence the course of instruction in this Institution with four professors, one of whom to preside over the faculty; and that in the selection of those professors it would be advisable to have particular regard to their qualifications for teaching the following branches of literature and science, viz: 1st Ancient languages, including the higher grade of the Latin and Greek languages; Ancient and Modern History; Geography Ancient and Modern, with the use of the Globes, to be assisted by a Tutor. 2d Mathema-

ties and Natural Philosophy, including the higher branches of numerical Arithmetic, Algebra, Trigonometry, plain and spherical Geometry, Mensuration, Conic Sections, Fluxions or Differentials, Mechanics, Statistics, Hydrostatics, Hydraulics, Acoustics, Optics and Astronomy to be assisted by a Mathematical Tutor. 3d Natural History, including Botany, Zoology, Mineralogy, Chemistry and Geology, with the application of Chemistry to the arts and agriculture. 4th Moral Philosophy, including mental Science generally, Belles Lettres, Logic and Rhetoric. In which report the board of trustees concurred.

The board believing that the great end and purposes of the institution would be greatly advanced by the selection of persons of superior literary acquirements and attainments in science, determined to assign to each professorship such a salary per annum as would provide a suitable compensation therefor, and at the same time accord, under the circumstances, with a prudent economy. Provision was therefore made by the board, that the salary of the Professors first to be appointed in the University of Alabama, should be established at fifteen hundred dollars per annum, together with certain tuition fees hereafter to be determined by the board, and providing that the compensation to each professor should in no event, be less than two thousand dollars. The board also provided for an adjunct professor of the history, and assigned to him a salary of one thousand dollars per annum. The board also appointed a select committee to open a correspondence in relation to the selection of suitable persons for professors, tutors, &c. who discharged the duty assigned to them; and at the present meeting of the board, Dr Philip Landsey was appointed Professor of Moral Philosophy, designated as the fourth chair, and to preside over the institution; Dr Gurdon Satsonstall, Professor of Mathematics, and designated as the second chair; Dr John Fielding Wallace, to be Professor of Natural History, &c. and designated as the third chair; Dr William A. King, as adjunct Professor of Chemistry, and the Rev. William Hooper, to be Professor of Ancient Languages &c. and designated as the first chair.

The board of trustees further report, that the purchasers of University lands in the county of Franklin, recently presented to their board, a memorial setting forth their peculiar condition and praying for an extension of time for the payment of the purchase money due from them respectively, and agreeing to pay legal interest during the period of such suspension of payment; which the board deemed it expedient and conducive to the interest of the University to grant, on their securing beyond all doubt, the ultimate and punctual payment, at the periods designated, of the several amounts due from them respectively.

In closing their annual report, the Board of trustees, although anxious to submit to the General Assembly their proceedings in detail in relation to all matters which have claimed their attention, have been deterred from this measure by the great length to which such a report would necessarily be spun out. They will however be bound to be correctly inscribed on their journal, to the inspection and examination of which they respectfully invite your honorable body. GABRIEL MOORE, *Pres't ex-officio*.

JANUARY 14, 1830.

Ordered, that the said communication, together with the accompanying documents, lie on the table, and that 100 copies thereof be printed for the use of this House.

And then the House adjourned until 7 o'clock this evening.

At 7 o'clock the House met pursuant to adjournment.

The bill from the Senate, entitled an act to revive and continue in force an act to incorporate the town of Selma, in the county of Dallas, passed Dec. 4, 1820, was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith; and the rule being further dispensed with, it was read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Brodnax made the following report: The committee on enrolled bills have examined and found correctly enrolled, bills of the following titles, viz: an act to change the times of holding the county courts of certain counties therein mentioned; an act authorizing a lottery for the benefit of Autauga Lodge No. 31, of ancient freemasons; an act for the relief of Michael Robins; an act to amend an act, passed Dec. 10, 1823, entitled an act to amend an act to incorporate the Huntsville fire engine company, passed Dec. 10, 1822; an act to re-examine and re-value so much of the

land granted this state by Congress for the improvement of the Tennessee and other rivers, as lies in the counties of Madison and Morgan; an act to alter the time of holding the circuit courts of certain counties therein named; an act to authorize the commissioned officers of the 11th regiment of Alabama militia to fix a regimental muster ground; and, an act to regulate proceedings in certain actions of detinue.

The bill entitled an act for the payment of Benjamin M. Bradford and Jack Shackelford, for stationary and printing and other purposes, was called up by Mr Coopwood. Mr Coopwood moved to fill the blank with the words "eight hundred and fifty," which was lost. Yeas 12—Nays 57.

The yeas and nays being desired, those who voted in the affirmative are messrs Coopwood, Dale, Fearn, Goldthwaite, Hodges, Jack, Ligon, Mardis, Mobley, Penn and Taylor.

Those who voted in the negative, are messrs Speaker, Acklen, Baker, Barclay, Bibb, Bradford, Brodnax, Brown, Clark, Cole, Coleman, Conner, Craig, Dennis, Durrett, Ellis, Flournoy, Forrest, Green, Grigsby, Hays, Hester, Horton, Hudson, Jackson, Jones, Lane, Lawler, Massey, McElderry, Metcalfe, Mims, Moore, Morrisett, Murphree, Parsons, Philpott, Rather, Richardson, Robinson, Ross, Roulston, Roysdon, Russell, Ship, Smith, Van Dyke, Ward, Weissinger, Williams and Young.

Mr Coopwood moved to fill the blank with the words "seven hundred and fifty," which was carried. Yeas 33—Nays 30.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker, Acklen, Baker, Barclay, Bibb, Bradford, Brodnax, Coopwood, Dale, Dennis, Durrett, Fearn, Goldthwaite, Hester, Hodges, Horton, Jack, Jackson, Lawler, Ligon, Mardis, Mobley, Oliver, Parsons, Penn, Pope, Richardson, Robinson, Roulston, Roysdon, Taylor, Van Dyke and Young.

Those who voted in the negative are messrs Clark, Cole, Coleman, Conner, Craig, Ellis, Flournoy, Forrest, Green, Grigsby, Hays, Hudson, Jones, Lane, Massey, McElderry, Metcalfe, Mims, Moore, Morrisett, Murphree, Philpott, Rather, Ross, Russell, Ship, Smith, Ward, Weissinger and Williams.

And the question being put, shall the bill pass? it was determined in the affirmative. Yeas 44—Nays 18.

The yeas and nays being desired, those who voted in the affirmative are Messrs Speaker, Acklen, Baker, Barclay, Bibb, Bradford, Brodnax, Clark, Coleman, Conner, Coopwood, Dale, Dennis, Durrett, Ellis, Fitts, Fearn, Flournoy, Goldthwaite, Green, Grigsby, Hester, Hodges, Horton, Jack, Lane, Lawler, Ligon, Mardis, Mobley, Moore, Murphree, Oliver, Parsons, Penn, Pope, Richardson, Robinson, Ross, Roulston, Roysdon, Taylor, Van Dyke, Williams and Young.

Those who voted in the negative are messrs Brown, Cole, Forrest, Hays, Hudson, Jones, Massey, McElderry, Metcalfe, Mims, Morrisett, Philpott, Rather, Russell, Ship, Smith, Ward and Weissinger.

Ordered, that the title be as aforesaid, and that the same be sent to the Senate for their concurrence.

The bill from the Senate entitled an act regulating the duties of county treasurers, was read a second time. Mr Clark moved that the bill be indefinitely postponed, which was lost. Yeas 13—Nays 51.

The yeas and nays being desired, those who voted in the affirmative are messrs Barclay, Clark, Coleman, Coopwood, Craig, Ellis, Flournoy, Jones, Moore, Philpott, Rather, Russell and Ship.

Those who voted in the negative are Messrs Speaker, Acklen, Baker, Bibb, Bradford, Brodnax, Brown, Cole, Conner, Dale, Dennis, Durrett, Fearn, Fitts, Goldthwaite, Green, Grigsby, Hays, Hester, Hodges, Horton, Hudson, Jack, Lane, Lawler, Ligon, Massey, Mardis, McElderry, Metcalfe, Mims, Mobley, Morrisett, Murphree, Oliver, Parsons, Penn, Pope, Richardson, Robinson, Ross, Roulston, Roysdon, Smith, Taylor, Van Dyke, Ward, Weissinger, Williams and Young.

Mr Acklen moved that the bill be referred to a select committee with instructions to report on Saturday morning, which was carried; whereupon messrs Acklen, Weissinger and Bibb were appointed said committee.

The bill from the Senate entitled an act to amend an act entitled an act to incorporate the Varley Creek Academy in the County of Dallas, was read a second time; and the rule being dispensed with, &c. it was read a third time forthwith and passed. *Ordered* that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

The bill from the Senate entitled an act for the relief of Henry Sossaman, was laid on the table.

The memorial to Congress upon the subject of public lands, was, on Mr Pope's motion laid on the table.

Mr Williams who voted in the majority on the indefinite postponement of the bill entitled an act to amend the law now in force in relation to the change of venue in civil cases and for other purposes, moved to reconsider the vote.

Ordered, that the House concur in the amendments made by the Senate to the bill entitled an act supplementary to an act passed 15th day of January 1823, entitled an act to authorize the sales of the 16th sections, and for other purposes.

The bill entitled an act to discontinue and establish certain election precincts therein specified, was laid on the table.

The bill entitled an act to authorize the corporation of the city of Mobile to raise and organize engine and hook and ladder fire companies in the said city, and for other purposes, was laid on the table.

The Speaker laid before the House a communication from the comptroller in relation to taxes, which was read and laid on the table and one hundred copies ordered to be printed for the use of the House.

The bill entitled an act to establish the boundary line between the counties of A. Clair and Jefferson, and to repeal an act entitled an act to alter the boundary line of Jefferson county, was laid on the table.

Mr Baker's report and resolution from the committee on the state of the republic was laid on the table.

The bill entitled an act to extend the jurisdiction of the State of Alabama over the Indian Territory lying within the limits of said State, and for other purposes, being under consideration. Mr Clark moved that it be indefinitely postponed. Mr Conner moved that the farther consideration of the bill be postponed till to-morrow, which was carried.

Mr Goldthwaite moved that the House adjourn until to-morrow half past 9 o'clock, which was lost. Yeas 26--Nays 32.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker, Clark, Conner, Coopwood, Dale, Dennis, Ellis, Flournoy, Goldthwaite, Grigsby, Hays, Hodges, Horton, Hudson, Lane, mardis, Massey, McElderry, Morrisett, Oliver, Philpott, Robinson, Roysdon, Russell, Taylor and Weissinger.

Those who voted in the negative are messrs Acklen, Barclay, Bradford, Brodnax, Brown, Cole, Coleman, Craig, Darrett, Fearu, Green, Heister, Jackson, Jones, Lawler, Ligon, Metcalfe, Mobley, Moore, Murphree, Parsons, Penn, Pope, Rather, Richardson, Ross, Roulston, Ship, Van Dyke, Ward, Williams and Young.

Mr Hodges moved that that the House adjourn until to-morrow at nine o'clock, which was lost. Yeas 27--Nays 30.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker Barclay Brown Clark Conner Coopwood Dale Ellis Flournoy Hays Hodges Horton Hudson Lane mardis McElderry Metcalfe Oliver Rather Richardson Roysdon Russell Ship Taylor and Weissinger.

Those who voted in the negative are messrs Acklen Bibb Bradford Brodnax Cole Coleman Craig Dennis Darrett Fearu Goldthwaite Green Heister Jackson Jones Lawler Ligon Massey Mobley Moore Morrisett Murphree Parsons Penn Pope Roulston Van Dyke Ward Williams and Young.

Mr Clark moved that the House adjourn until to-morrow morning half past nine o'clock, which was carried. Yeas 35—Nays 22.

The yeas and nays being desired those who voted in the affirmative are messrs Speaker, Barclay, Bradford, Brown, Clark, Cole, Conner, Coopwood, Dale, Dennis, Ellis, Flournoy, Green, Hodges, Horton, Hudson, Lane, Mardis, Massey, McElderry, Metcalfe, Morrisett, Murphree, Oliver Philpott, Rather, Richardson Robinson, Roysdon, Russell, Ship, Taylor, Ward, Weissinger and Williams.

Those who voted in the negative are messrs Acklen, Bibb, Brodnax, Coleman, Craig, Durrett, Fearn, Goldthwaite, Hays, Hester, Jackson, Jones, Lawler, Ligon, Mobley, Moore, Parsons, Penn, Pope, Roulston, Van Dyke and Young.

The House then adjourned.

Friday, January 15, 1830.

The House met pursuant to adjournment.

Mr Parsons presented the memorial of William W. McConnico, praying the passage of a law authorizing him to emancipate a certain female slave named Maria; which was read and referred to the committee on the state of the republic; together with the accompanying documents.

Mr Conner, from the committee on ways and means to which was referred a resolution instructing them to inquire into the expediency of reducing the tax on cattle, reported a bill to be entitled an act to repeal in part an act passed the 13th day of January 1827, entitled an act to raise a revenue for the support of government until otherwise altered by law, and for other purposes; which was read a first time, and the rule requiring bills to be read on three several days being dispensed with it was forthwith read a second time. Mr Hudson moved that the bill be indefinitely postponed, which was lost. Yeas 21—Nays 43.

The yeas and nays being desired, those who voted in the affirmative are messrs Banks, Clark, Coleman, Coopwood, Ellis, Forrest, Green, Hodges, Horton, Hudson, King, Massey, Metcalfe, Moore, Morrisett, Philpott, Rather, Richardson, Roysdon, Russell, and Williams.

Those who voted in the negative are messrs Speaker, Acklen, Barclay, Bates, Bibb, Bradford, Brodnax, Brown, Byrnes, Cole, Conner, Cook, Craig, Curtis, Dale, Dennis, Durrett, Fearn, Gingsby, Hays, Hester, Jack, Jackson, Jones, Lane, Lawler, McElderry, Sims, Mobley, Murphree, Parsons, Penn, Pope, Robinson, Ross, Roulston, Smith, Taylor, Van Dyke, Ward, Weissinger, and Young.

Mr Bibb moved to amend the bill by striking out the words *one half where* they occur in the second section, and inserting in lieu thereof the word *one*, which was carried; and the rule requiring bills to be read on three several days being further dispensed with, it was forthwith read a 3d time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Acklen, from the committee on enrolled bills made the following report: The committee on enrolled bills have examined and found correctly enrolled the following bills: an act to incorporate the trustees of the Sims' female academy in the town of Tuscaloosa; an act to authorize Haynes Crabtree to emancipate certain slaves therein named; and, an act supplementary to an act passed the 14th Dec. 1827, prescribing the mode of contesting elections: all of which originated in the Senate.

Mr Banks, from the committee on enrolled bills made the following report: The committee on enrolled bills have examined and find correctly enrolled the following bill: an act supplementary to an act passed the 15th January 1828, entitled an act to authorize the sales of 16th sections, and for other purposes.

Mr Ligon, from the select committee to which was referred the memorial of William W. McConnico, praying the emancipation of a negro woman

slave named Maria, reported a bill to be entitled an act to emancipate a female slave named Maria, a part of the estate of the late Christopher McConico of the county of Monroe, which was read a first time and the rule requiring bills to be read on three several days being dispensed with, it was forthwith read a second time; and the rule being further dispensed with, it was forthwith read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Horton, from the select committee to which was referred a bill entitled an act to establish La Grange College, reported the same with sundry amendments, which were severally concurred in; and the rule requiring bills to be read on three several days being dispensed with, it was forthwith read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

A message from the Senate by Mr Gayle: Mr Speaker—the Senate have read three several times and passed a bill which originated in the House of Representatives entitled an act more effectually to prevent the circulation of what are termed change bills or tickets, and have amended the same as herewith shewn,—in which they request the concurrence of your honorable body. They have also read three several times and passed a bill which originated in the Senate entitled an act for the relief of securities in Bank, in which they also ask the concurrence of your honorable body. They have read three several times and passed a bill which originated in the House of Representatives entitled an act for the payment of Benjamin M. Bradford and Jack Shackelford for stationary printing, and for other purposes.

Mr Bibb called up the following resolution from the Senate: *Resolved*, with the concurrence of the House of Representatives the Senate will assemble in the Representative Hall at the hour of 7 o'clock p.m. upon Friday next, for the purpose of electing a President and twelve Directors of the Bank of the State of Alabama for the present year. Mr Clark moved that the resolution lie on the table, which was lost. Mr Bibb moved that the further consideration of the resolution be postponed till three o'clock this afternoon, which was carried. Yeas 48—Nays 18.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker, Acklen, Baker, Banks, Barclay, Bibb, Bradford, Brown, Clark, Conner, Coopwood, Craig, Dale, Dennis, Durrett, Ellis, Fearn, Fitts, Flournoy, Forrest, Goldthwaite, Hays, Horton, Hudson, Jack, Jackson, King, Lawler, Ligon, Massey, Mims, Moore, Morrisett, Oliver, Parsons, Penn, Philpott, Rather, Richardson, Ross, Roulston, Roysdon, Russell, Ship, Smith, Van Dyke, Ward and Williams.

Those who voted in the negative are messrs Brodnax, Cole, Coleman, Cook, Curtis, Green, Grigsby, Hester, Hodges, Jones, Lane, Metcalfe, Mobley, Pope, Robinson, Taylor, Weissinger, and Young.

Mr Parsons called up the resolution proposing that the two Houses recede from the resolution heretofore adopted by both Houses to adjourn sine die on Saturday next; and further proposing that both Houses adjourn on Wednesday the 20th inst. Mr Mobley moved that the resolution lie on the table till Monday next, which was lost. Yeas 20—Nays 47.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker Baker Cole Coleman Cook Green Grigsby Hays Hester Lane Metcalfe Mobley Richardson Robinson Ross Roysdon Taylor Van Dyke Weissinger and Young.

Those who voted in the negative are messrs Acklen Banks Barclay Bibb Bradford Brodnax Brown Clark Conner Coopwood Craig Curtis Dale Dennis Durrett Ellis Fearn Fitts Flournoy Forrest Goldthwaite Hodges Horton Hudson Jack Jackson Jones King Lawler Ligon Massey McElderry Mims Moore Morrisett Murphree Parsons Penn Philpott Pope Rather Russell Ship Smith Ward and Williams.

Mr Mobley then moved to amend the resolution by striking out the words *Wednesday the 20th*; and inserting in lieu thereof the words *Tuesday 19th*. And a division of the question being called for, the question was first put on striking out, which was lost. Mr Coleman moved to amend the resolution by inserting the words *at one o'clock p.m.* at the end of the resolution, which was lost. Yeas 47—Nays 22.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker Acklen Barclay Bibb Bradford Brown Clark Coleman Conner Coopwood Craig Curtis Dale Dennis Durrett Ellis Fearn Fitts Flournoy Goldthwaite Hudson Jack Jackson King Lawler Ligon Massey, McElderry Mims Moore Morrisett Murphree Oliver Parsons Penn Philpott Pope Rather Richardson Ross Roulston Russell Ship Smith Van Dyke Ward and Williams.

Those who voted in the negative are messrs Baker Banks Bates Brodnax Byrnes Cole Coopwood Green Grigsby Hays Hester Hodges Horton Jones Lane Metcalfe Mobley Robinson Roysdon Taylor Weissinger and Young.

The resolution was then adopted.

Mr Jack presented the account of Dugald McFarlane, which was read and referred to the committee on accounts.

The bill entitled an act more effectually to secure the estates of females being under consideration, Mr Coopwood moved that it be indefinitely postponed. Mr Horton called for the previous question, and the question being being put, Shall the main question be now put? it was determined in the negative. Yeas 24—Nays 44.

The yeas and nays being desired, those who voted in the affirmative are messrs Baker, Brodnax, Clark, Cole, Coleman, Cook, Craig, Dennis, Grigsby, Hodges, Horton, Hudson, Jackson, James, King, Lane, Lawler, Metcalfe, Murphree, Robinson, Ship, Taylor, Ward and Weissinger.

Those who voted in the negative are messrs Speaker, Acklen, Banks, Barclay, Bibb, Bradford, Brown, Byrnes, Conner, Coopwood, Curtis, Dale, Durrett, Ellis, Fearn, Fitts, Flournoy, Goldthwaite, Green, Hays, Hester, Jack, Ligon, Massey, McElderry, Mims, Mobley, Moore, Morrisett, Oliver, Parsons, Penn, Philpott, Pope, Rather, Richardson, Ross, Roulston, Roysdon, Russell, Smith, Van Dyke, Williams and Young.

Mr Clark moved that the further consideration of the bill be postponed till the first Manday of August next, which was lost. Yeas 33—Nays 34.

The yeas and nays being desired, those who voted in the affirmative are messrs Banks Byrnes Clark Cole Coleman Conner Coopwood Craig Dennis Ellis Forrest Goldthwaite Hodges Horton Hudson Jackson Jones Lane Lawler mardis massey McElderry Metcalfe Mims Moore Murphree Richardson Russell Ship Taylor Van Dyke Ward and Young.

Those who voted in the negative are messrs Speaker Acklen Baker Barclay Bates Bibb Bradford Brodnax Brown Curtis Dale Durrett Fearn Fitts Green Grigsby Hays Hester Ligon Mobley Morrisett Oliver Parsons Penn Philpott Pope Rather Robinson Ross Roulston Roysdon Smith Weissinger and Williams.

Mr Coopwood moved to strike out all of the bill after the enacting clause, which was lost. Yeas 28—Nays 39.

The yeas and Nays being desired, those who voted in the affirmative are messrs Banks, Byrnes, Clark, Cole, Coleman, Conner, Coopwood, Craig, Dennis, Ellis, Goldthwaite, Hodges, Hudson, Jones, Lane, Lawler, Mardis, Massey, McElderry, Moore, Murphree, Richardson, Russell, Ship, Taylor, Van Dyke, Ward, and Young.

Those who voted in the negative are Messrs Speaker, Acklen, Baker, Barclay, Bates, Bibb, Bradford, Brodnax, Brown, Curtis, Dale, Durrett, Fearn, Fitts, Forrest, Green, Grigsby, Hays, Hester, Horton, Jackson, Ligon, Metcalfe, Mims, Mobley, Morrisett, Oliver, Parsons, Penn, Philpott, Pope, Rather, Robinson, Ross, Roulston, Roysdon, Smith, Weissinger, and Williams.

Mr Parsons moved to amend the bill by striking out all after the first section. The bill was then, on motion of Mr Goldthwaite, recommitted to

a select committee consisting of messrs Goldthwaite, Parsons, and Pope, with instructions to report this afternoon at three o'clock.

A message from the Senate by Mr Gayle: Mr Speaker—The Senate concur in the amendments made by your honorable body to the bill entitled an act to establish La Grange college. They have also read three several times and passed bills which originated in their house entitled an act to enable the state of Alabama to sell and dispose of certain reserved lands therein named; an act to alter the time of holding the county courts of Jackson and Lauderdale counties; an act to amend the law on the subject of proving and recording deeds, in which they desire the concurrence of your honorable body. They have read three several times and passed bills which originated in the House of Representatives entitled an act to regulate the landing of goods by steam boats and barges, and for other purposes; and an act to alter the time of holding the county courts in the counties of Marion and Dallas.

And then the house adjourned till three o'clock this afternoon.

At three o'clock, P. M. the house met pursuant to adjournment.

Mr Parsons from the select committee to which was referred a bill entitled an act more effectually to secure the estates of females, reported the same with sundry amendments; which were severally concurred in. Mr Goldthwaite moved to amend the bill by way of proviso at the end of the third section, which was carried. The bill was then ordered to be engrossed and made the special order for a third reading to-morrow at ten o'clock A.M.

Mr Goldthwaite, from the select committee to which was referred a bill entitled an act to compell purchasers of land to pay occupants for their improvements, reported the same with an amendment as a substitute therefor, which was adopted. Mr Jack moved to postpone the bill and report till the first day of April next, which was carried. Yeas 33--Nays 29.

The yeas and nays being desired, those who voted in the affirmative are messrs Banks, Barclay, Bates, Bibb, Bradford, Brown, Clark, Cole, Cook, Curtis, Dale, Ellis, Fearn, Greene, Jack, King, Massey, Mims, Mobley, Moore, Morrisett, Murphree, Parsons, Penn, Pope, Richardson, Robinson, Roysdon, Russell, Smith, Taylor, Williams and Young.

Those who voted in the negative are messrs Speaker, Acklen, Brodnax, Byrnes, Coleman, Coopwood, Craig, Dennis, Durrett, Goldthwaite, Hays, Hester, Hodges, Horton, Hudson, Jackson, Jones, Lane, Lawler, Ligon, Mardis, McElderry, McRulfe, Oliver, Philpott, Rather, Roulston, Ship and Weissinger.

A message from the Governor by J. I. Thornton, which is as follows:

Mr Speaker—The Governor did on the 14th inst. approve and sign the following bills: An act making permanent the act prescribing the duties of sheriffs and returning officers in holding elections and returning the votes of all persons voting on proposed alterations of the constitution of the state of Alabama, approved, January, 1829; an act to prevent the evil practice of betting on elections; an act for the relief of the warrior guards; an act to amend an act to authorize Wyatt Cheatam to cut out and establish a turnpike road; and on this day (15th Jan.) an act to amend an act entitled an act to regulate the licensing of Physicians to practice and for other purposes therein named, passed December 22d, 1823; an act to appoint canal commissioners for the improvement of the navigation of the Tennessee river and for other purposes; and an act to establish a board of internal improvement for the state of Alabama,—all of which originated in the House of Representatives.

Mr Craig, from the select committee to which was referred the bill entitled an act to provide for the more equal distribution of discounts in the Bank of the State among the different counties in this state, reported the same with sundry amendments, which were severally concurred in. Mr

Fearn moved to amend the bill by striking out of the first section the words, "to their representation," and inserting in lieu thereof the words, "to the amount of taxes paid by them severally into the treasury of the state for the preceding year," which was lost. Yeas 20—Nays 46.

The yeas and nays being desired, those who voted in the affirmative are messrs Acklen Baker Banks Bates Bibb Coleman Cook Fearn Fitts Goldthwaite Jack King Lane Ligon Mims Mobley Moore Oliver Penn and Taylor.

Those who voted in the negative are messrs Speaker Barclay Bradford Brodnax Brown Byrnes Clark Cole Conner Coopwood Craig Curtis Dale Dennis Durrett Ellis Greene Hays Hester Hodges Horton Hudson Jack Jones Lawler Mardis Massey McElderry Metcalfe Morrisett Murphree Parsons Philpott Pope Rather Richardson Robinson Ross Roulston Roysdon Russell Ship Smith Van Dyke Weissinger Williams and Young.

Mr Barclay moved to postpone the further consideration of the bill till the first day of March next, which was lost. Yeas 22—Nays 44.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker, Banks, Barclay, Bradford, Clark, Cole, Conner, Ellis, Fearn, Hays, Jack, Lawler, Mardis, Massey, Metcalfe, Mobley, Robinson, Roysdon, Russell, Taylor, Weissinger, and Young.

Those who voted in the negative are messrs Acklen, Bates, Bibb, Brodnax, Brown, Byrnes, Coleman, Cook, Coopwood, Craig, Curtis, Dale, Dennis, Durrett, Fitts, Goldthwaite, Green, Hester, Hodges, Horton, Hudson, Jackson, Jones, King, Lane, Ligon, McElderry, Mims, Moore, Morrisett, Murphree, Oliver, Parsons, Penn, Philpott, Pope, Rather, Richardson, Ross, Roulston, Ship, Smith, Van Dyke, and Williams.

Mr Lawler moved that the bill be referred to the committee on the State Bank. Mr Clark moved that the bill lie on the table, which was carried.

A message from the Senate by Mr Gayle: Mr Speaker—I am instructed by the Senate to inform you that they disagree to the amendment made by your honorable body to the bill which originated in their house entitled an act to authorize James Davis and associates to turnpike a certain road therein named, by adding an additional section; they concur in all the other amendments made to said bill by your honorable body.

A message from the Senate by Mr Lyon: Mr Speaker—The Senate concur in the resolution of your honorable body proposing a revision of the one adopted by the two houses fixing to-morrow the 16th inst. as the day for the adjournment of the General Assembly.

The bill entitled an act to extend the jurisdiction of the state of Alabama over the Indian territory lying within the limits of said state, and for other purposes, being under consideration, Mr Clark moved that the further consideration thereof be postponed till the first Monday in August next, which was lost. Yeas 17—Nays 48.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker, Clark, Cole, Craig, Dale, Ellis, Green, Grigsby, Hodges, Jones, Metcalfe, Morrisett, Pope, Richardson, Van Dyke, Weissinger and Williams.

Those who voted in the negative are messrs Baker, Banks, Barclay, Bibb, Bradford, Brodnax, Brown, Byrnes, Coleman, Conner, Cook, Coopwood, Curtis, Dennis, Durrett, Fearn, Fitts, Flournoy, Forrest, Goldthwaite, Hays, Hester, Hudson, Jack, Jackson, King, Lane, Lawler, Ligon, Mardis, Massey, McElderry, Mobley, Moore, Murphree, Oliver, Parsons, Philpott, Rather, Robinson, Ross, Roulston, Roysdon, Russell, Ship, Smith, Taylor and Ward.

Mr Bibb moved that the further consideration of the bill be postponed till to-morrow, and that it be made the special order for that day, which was carried.

Mr Byrnes, from the select committee to which was referred the bill entitled an act to alter and amend the charter of the incorporation of the city

of Mobile, made the following report: The Mobile delegation, to whom was referred the bill to amend the charter of incorporation of the city of Mobile, beg leave to report the same without amendment, and request that the same be referred to a select committee consisting of messrs Fearn, Moore and Ligon, which report was concurred in.

Mr Bibb called up the resolution from the Senate proposing to go into the election of a president and twelve directors of the bank on this evening. Mr Bibb moved to amend the resolution by striking out the word "Friday" and inserting in lieu thereof the word "Saturday," which was carried. Mr Bibb moved to amend the resolution further by adding to the end thereof the words "canal commissioners, members of the board of internal improvement and members of the medical board," which was carried. The resolution was then concurred in.

The engrossed memorial to the Congress of the United States to procure the establishment of a land office at Monticello in Pike county, Alabama, being under consideration, Mr Curtis moved to amend the memorial by way of proviso at the end thereof.

And then the house adjourned till half past nine o'clock to-morrow A. M.
Saturday, January 16th, 1830.

The House met pursuant to adjournment.

Mr Flournoy presented the petition of sundry inhabitants of Pickens county, praying that the Sipsey river be the dividing line between the counties of Greene and Pickens, which was read and referred to a select committee consisting of messrs Flournoy, Richardson and Penn, to consider and report thereon.

Mr McElderry from the committee on accounts to which was recommended the bill entitled an act making appropriations for the payment of certain claims against the State, reported the same with sundry amendments, by adding thereto sundry additional sections No. 15, 16, 17, 18, and 19, which were concurred in; the bill was then ordered to be engrossed for a third reading on Monday next.

Mr Richardson obtained leave to introduce a bill to be entitled an act appointing commissioners to establish the line between the counties of Tuscaloosa, Green and Pickens, which was read a first time, and the constitutional rule being dispensed with, it was read a second time, and the rule being further dispensed with it was considered as engrossed, read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Brodnax made the following report: The committee on enrolled bills having examined and found correctly enrolled, bills of the following titles to wit: an act for the payment of Benjamin M. Bradford and Jack Shackleford, for stationary, printing and other purposes; an act to regulate the landing of goods by steam boats and barges and for other purposes, and an act to alter the time of holding the county courts in the counties of Marion and Dallas.

Mr Hudson obtained leave to introduce a bill to be entitled an act to prescribe the manner in which the oaths of office shall be administered to the members and officers of the General Assembly, which was read a first time, and the constitutional rule being dispensed with, it was read a second time forthwith and referred to the judiciary committee to consider and report thereon.

The bill from the Senate entitled an act to amend an act therein named, was laid on the table for one hour.

The memorial from the Senate entitled a memorial to the Congress of

the United States to procure the establishment of a land office at Monticello, in Pike county, Alabama, being under consideration, the question was on Mr Curtis's amendment. Mr Morrisett moved to amend Mr Curtis's amendment. Mr Parsons moved that the bill be committed to a special committee, which was carried, whereupon messrs Parsons, Curtis and Jackson were appointed said committee.

Mr Ligon made the following report: The committee on enrolled bills have examined and found correctly enrolled, bills of the following titles to wit: an act to authorize Daniel Fields and his associates to turnpike a road in the county of Blount; an act to amend an act entitled an act to incorporate Valley Creek Academy, in the county of Dallas; an act for the relief of Sally Turner, executrix of Charles H. Turner, deceased; an act to extend the powers of the orphans' court in certain cases, and for other purposes, and an act to incorporate the Tuscumbia rail way company.

A message from the Senate by Mr Gayle. Mr Speaker: The Senate have read three several times and passed a bill which originated in the House of Representatives entitled an act to establish the county of Lowndes, and have amended the same by striking out all of the first section after the enacting clause and substituting the accompanying amendment in lieu thereof, and by striking out the 2d, 3d, 4th, 5th and 8th sections of the bill, and by striking out the 7th section and inserting in lieu thereof, the section attached to said bill.

The engrossed bill entitled an act more effectually to prevent the circulation of what are termed change bills or tickets. The question was on the amendments made by the Senate to said bill. Mr Durrett moved to amend the amendment made by the Senate, by striking out the word "three" to insert a larger sum, which was lost. *Ordered*, that the House concur in said amendment by striking out the words "one dollar" to insert "three dollars" in the 1st section of the bill. Mr Acklen moved that the House disagree to the amendment made by the Senate, by striking out the 2d section, which was carried. Yeas 42—Nays 24.

The yeas and nays being desired those who voted in the affirmative are messrs Acklen, Baker, Banks, Bates, Bibb, Bradford, Brodnax, Brown, Clark, Coleman, Conner, Cook, Coopwood, Curtis, Dennis, Durrett, Fearn, Flitts, Hodges, Horton, Hudson, Jack, Jackson, King, Lane, Ligon, Massey, McElderry, Metcalfe, Morphee, Parsons, Penn, Philpott, Rather, Robinson, Ross, Roysdon, Russell, Ship, Smith, Taylor, and Williams.

Those who voted in the negative are messrs Speaker, Barclay, Byrnes, Cole, Craig, Ellis, Flournoy, Forrest, Goldthwaite, Green, Grigsby, Hays, Hester, Jones, Lawler, Mardis, Moore, Morrisett, Oliver, Pope, Roulston, VanDyke, Weissinger, Young.

Ordered, that the clerk acquaint the Senate therewith.

Mr Banks made the following report: The committee on enrolled bills have examined and found correctly enrolled, the following bills: an act to revive and continue in force, an act to incorporate the town of Selma, in the county of Dallas, passed December 4th, 1820, and an act to incorporate the library society of the bench and bar of the supreme court of Alabama.

The bill from the Senate entitled an act to amend an act therein named, was called up and read a third time, and the question being put, shall this bill pass? it was determined in the negative. Yeas 30—Nays 35.

The yeas and nays being desired, those who voted in the affirmative are messrs Baker, Barclay, Bates, Bibb, Bradford, Coleman, Cook, Coopwood, Craig, Curtis, Dennis, Durrett, Goldthwaite, Hays, Hodges, Horton, Hudson, Lane, Ligon, McElderry, Mobley, Oliver, Parsons, Philpott, Pope, Rather, Robinson, Ross, Smith and Van Dyke.

Those who voted in the negative are messrs Speaker, Acklen, Banks, Brodnax,

Brown Byrnes Clark Cole Conner Ellis Fearn Fitts Forrest Green Grigsby Hester Jack Jackson Jones King Lawler Mardis Massey Metcalfe Moore Murphree Penn Richardson Roulston Russell Ship Taylor Weissinger Williams and Young.

Mr Acklen from the select committee to which was referred the bill from the Senate entitled an act regulating the duties of county treasurers, reported the following amendments: strike out in the fourth line of the first section, the words "every six months" and insert "annually," strike out in the eighth line all of the first section after the word "commissioners" and insert the following in lieu thereof, "and shall be recorded in the county court of said county, and it shall be the duty of the treasurer to post a copy of said account on the court house door or some secure place therein at least once a year," in the fourth line of the second section, after the word "name" insert the following words "of the judge," strike out the whole of the third and fifth sections; in which amendments the House concurred. The bill was then read a third time and passed. *Ordered*, that the clerk acquaint the Senate therewith.

A Message from the Governor, by Mr Thornton, Secretary of State.

January 16th, 1830.

Mr Speaker: The Governor did on this day, approve and sign the following bills: an act to alter the time of holding the circuit courts of certain counties therein named; an act to authorize the commissioned officers of the 11th regiment of Alabama militia, to fix a regimental muster ground; an act to regulate proceedings in certain action of detinue; an act to change the time of holding the county courts of certain counties therein mentioned; an act supplementary to an act passed the 15th of January, 1828, entitled an act to authorize the sales of the 16th sections and for other purposes; an act authorizing a lottery for the benefit of Autauga lodge No. 31, of ancient free masons; an act to amend an act passed December 10th, 1823, entitled an act to amend an act to incorporate the Huntsville fire engine company, passed December 10th, 1823, all of which originated in the House of Representatives.

The bill entitled an act to amend the militia laws of this State being on its third reading, Mr Clark moved that the bill be indefinitely postponed, which was lost. Yeas 25—Nays 36.

The yeas and nays being desired, those who voted in the affirmative are Messrs Barclay, Bradford, Brown, Clark, Cole, Coopwood, Dennis, Durrett, Ellis, Forrest, Gilchrist, Hudson, Jones, Lawler, Mardis, Massey, McElderry, Metcalfe, Morrisett, Richardson, Roulston, Ship, Smith, Weissinger, Williams and Young.

Those who voted in the negative are Messrs Speaker, Acklen, Baker, Banks, Bibb, Brodnax, Coleman, Conner, Cook, Curtis, Dale, Flournoy, Green, Grigsby, Hays, Hester, Hodges, Horton, Jackson, King, Lane, Mims, Mobley, Murphree, Oliver, Parsons, Penn, Philpott, Pope, Rather, Robinson, Ross, Roysdon, Taylor, Van Dyke, and Ward.

Mr Hester moved to fill the blank with seven hundred and fifty, (the compensation to the adjutant general,) which was lost. Yeas 25—Nays 39.

The yeas and nays being desired those who voted in the affirmative are messrs Speaker, Acklen, Banks, Bibb, Brodnax, Byrnes, Conner, Craig, Dale, Fearn, Flournoy, Grigsby, Hester, Hodges, Jack, King, Mims, Mobley, Moore, Parsons, Penn, Pope, Robinson, Taylor and Young.

Those who voted in the negative are messrs Baker, Barclay, Bradford, Brown, Clark, Cole, Coleman, Coopwood, Curtis, Dennis, Durrett, Ellis, Forrest, Green, Hays, Horton, Hudson, Jackson, Jones, Lane, Lawler, Mardis, Massey, McElderry, Metcalfe, Morrisett, Oliver, Philpott, Rather, Richardson, Ross, Roulston, Roysdon, Ship, Smith, Van Dyke, Ward, Weissinger and Williams.

Mr Taylor moved to fill the blank with six hundred and fifty, which was lost. Yeas 27—Nays 36.

The yeas and nays being desired those who voted in the affirmative are messrs Speaker, Acklen, Baker, Banks, Bates Brodnax, Burnes, Conner, Cook, Craig, Dale, Fearn, Grigsby, Hester, Hodges, Jack, Jackson, King, Ligon, Mims, Mobley, Moore, Oliver, Parsons, Pope, Taylor and Young.

Those who voted in the negative are messrs Barclay, Bradford, Brown, Clark, Cole, Coopwood, Curtis, Dennis, Durrett, Ellis, Forrest, Green, Hays, Horton, Hudson, Jones, Lane, Lawler, Mardis, Massey, McElderry, McEulfe, Morrisett, Murphree, Philpott, Rather, Richardson, Ross, Roulston, Roysdon, Ship Smith, Van Dyke, Ward, Weissinger and Williams.

Mr Parsons moved to recommit the bill to the military committee. Mr Coopwood moved the following instructions, "to strike out all that part that requires the Governor to review the militia once during his term, all that part which takes from the people the election of their general officers, and all that part in relation to fines for not carrying arms to muster. Mr Taylor moved to amend mr Coopwood's instructions by striking out all that part relative to carrying arms to muster, which was lost. Mr Philpott moved the following instructions as an amendment to mr Coopwood's "and that part which requires the commissioned officers to assemble at the centre of brigades for the purpose of drill," which was carried; the instructions as amended, were adopted. Mr Coopwood then moved to reconsider the vote, which was carried. Mr Taylor then moved that the bill be indefinitely postponed, which was carried.

A message from the Senate by G. W. Gayle. Mr Speaker: The Senate have read three several times and passed a bill which originated in their House entitled an act to require the purchasers of the lands of the United States, to pay the occupants for the improvements thereon, in which they ask the concurrence of your honorable body.

Ordered, that mr Pope have leave of absence for the remainder of the session.

The bill from the Senate entitled an act for the relief of securities in Bank, was read a first time and the constitutional rule being dispensed with, it was then read a second time forthwith, and the rule being further dispensed with, it was read a third time and passed. Ordered, that the title be as aforesaid. Ordered, that the clerk acquaint the Senate therewith,

And then the House adjourned to 3 o'clock this evening.

3 o'clock, P. M. the House met pursuant to adjournment.

The bill from the Senate entitled an act to enable the State of Alabama to sell and dispose of certain reserved lands therein named, was read a first time. Mr Fearn moved that the bill be indefinitely postponed, which was carried. Yeas 37—Nays 26.

The yeas and nays being desired, those who voted in the affirmative are Messrs Acklen, Banks, Bates, Brodnax, Brown, Byrnes, Clark, Cole, Cook, Dale, Dennis, Ellis, Fearn, Green, Grigsby, Hays, Jackson, Jones, King, Lawler, Mardis, Massey, Mims, Mobley, Moore, Penn, Rather, Richardson, Robinson, Roulston, Russell, Ship, Smith, Taylor, Ward, Weissinger and Young.

Those who voted in the negative are Messrs Speaker, Barclay, Bibb, Bradford, Coleman, Conner, Coopwood, Craig, Curtis, Durrett, Hester, Hodges, Horton, Hudson, Jack, Lane, Ligon, McElderry, Murphree, Oliver, Parsons, Philpott, Pope, Ross, Roysdon, Van Dyke and Williams.

Ordered, that the clerk acquaint the Senate therewith.

A message from the Senate by mr Gayle. Mr Speaker: The Senate

have postponed until the 1st day of June next, a bill which originated in the House of Representatives entitled an act to designate a part of the line between the counties of Tuscaloosa and Bibb.

The bill from the Senate entitled an act to alter the time of holding the county courts of Jackson and Lauderdale counties, was read a first time, and the rule requiring bills to be read on three several days being dispensed with, it was forthwith read a second time. Mr Russell moved to amend the bill by striking out of the third line of the first section, the word "fourth" and inserting in lieu thereof, the word "third," which was carried. Mr Russell moved to amend the bill further by striking out of the fourth line of the second section, the word "fourth" and inserting in lieu thereof, the word "third," which was carried. Mr Craig moved to amend the bill by striking out all of the third and fourth sections thereof, which was carried; and the rule being further dispensed with, the bill was forthwith read a third time and passed. Mr Russell moved to amend the title of the bill by striking out the words "and Lauderdale counties" and inserting after the word "Jackson" the word "county," which was carried. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

A message from the Senate by G. W. Gayle. Mr Speaker: The Senate have instructed me to inform you that they have concurred in the resolution adopted by your honorable body, proposing to adjourn *sine die* on Wednesday the 20th inst. They have read three several times and passed bills which originated in the House of Representatives entitled an act appointing commissioners to establish the line between the counties of Tuscaloosa, Greene and Pickens; and an act the better to provide for the examination of the offices of the clerks of the circuit and county courts of this State, which latter bill they have amended as herewith shewn, in which they ask the concurrence of your honorable body. They concur in the amendment made by your honorable body to the bill which originated in the Senate entitled an act regulating the duties of county treasurers.

Mr Brodnax made the following report: The committee on enrolled bills have examined and found correctly enrolled, a joint resolution ratifying the proposed amendments to the constitution of the State of Alabama, so as to limit the tenure of the judges' offices to six years.

The bill from the Senate entitled an act to amend the law on the subject of proving and recording deeds, was read a first time and the rule requiring bills to be read on three several days being dispensed with, it was forthwith read a second time and referred to the judiciary committee, with instructions to report on Monday.

Mr Hudson moved that the House recede from their amendment by additional section No. 9 to the bill from the Senate entitled an act to authorize James Davis and associates to turnpike a certain road therein named, which was carried.

The bill entitled an act to establish the county of Lowndes, was laid on the table for one hour.

Mr Moore moved that the House disagree to the amendment of the Senate to the amendment of the House of Representatives, to the resolution of the Senate proposing to go into the election of a president and twelve directors of the Bank, by striking out "Saturday" and inserting "Morday next," which was lost; the amendment of the Senate was then concurred in.

Mr Conner moved that the House agree to the first amendment made

by the Senate to the bill entitled an act to appoint commissioners to mark and lay out a certain road therein specified, which was lost. Yeas 19—Nays 43.

The yeas and nays being desired, those who voted in the affirmative are Messrs Speaker, Banks, Bates, Byrnes, Conner, Cook, Dale, Durrett, Fitts, Green, Hays, Jack, McElderry, Mims, Mobley, Parsons, Ross, Taylor and Van Dyke.

Those who voted in the negative are Messrs Acklen, Baker, Barclay, Bradford, Brodnax, Brown, Clark, Cole, Coleman, Coopwood, Curtis, Dennis, Flournoy, Forrest, Golathwaite, Grigsby, Hester, Hodges, Horton, Hudson, Jackson, Jones, King, Lane, Lawler, Mardis, Massey, Moore, Oliver, Penn, Philpott, Pope, Rather, Robinson, Roulston, Russell, Ship, Smith, Ward, Weissinger, Williams and Young.

Mr Weissinger moved that the House disagree to the second amendment made by the Senate to said bill, which was carried Yeas 56—Nays 2.

The yeas and nays being desired, those who voted in the affirmative are Messrs Speaker, Baker, Barclay, Bates, Bradford, Brodnax, Brown, Byrnes, Clark, Cole, Conner, Cook, Coopwood, Craig, Curtis, Dale, Dennis, Durrett, Fearn, Fitts, Flournoy, Forrest, Green, Grigsby, Hays, Hester, Hodges, Horton, Hudson, Jackson, Jones, King, Lane, Lawler, Mardis, Massey, McElderry, Mims, Mobley, Moore, Parsons, Penn, Rather, Richardson, Robinson, Ross, Roulston, Russell, Ship, Smith, Taylor, Van Dyke, Ward, Weissinger, Williams and Young.

Those who voted in the negative are Messrs Banks and Coleman.

A message from the Senate by G. W. Gayle. Mr Speaker: The Senate have read three several times and passed a bill which originated in the Senate entitled an act to increase the capital stock of the Bank of the State of Alabama, in which they desire the concurrence of your honorable body.

Mr Coopwood moved that the House insist on their disagreement to the amendment of the Senate to the bill entitled an act more effectually to prevent the circulation of what are termed change bills or tickets, which was carried.

The bill from the Senate entitled an act repealing in part an act passed at the annual session of the General Assembly for the year eighteen hundred and twenty-nine, changing and designating the time of holding the circuit courts in the seventh and third judicial circuits for the State of Alabama, was read a first time. Mr Rather moved that the bill be postponed till the first Monday in August next, which was lost; and the rule requiring bills to be read on three several days being dispensed with, it was forthwith read a second time. The bill was then on motion of Mr Flournoy, referred to a select committee consisting of messrs Flournoy, Hudson and Rather, with instructions to report on Monday morning next.

And then the House adjourned till 7 o'clock this evening.

7 o'clock, p. m. The House met pursuant to adjournment.

The bill from the Senate entitled an act for the relief of Edmund Prince, was read the first time, and the rule requiring bills to be read on three several days being dispensed with, it was forthwith read a second time. Mr Fearn moved that the bill be indefinitely postponed, which was lost. Yeas 24—Nays 34.

The yeas and nays being desired those who voted in the affirmative are messrs Barclay, Bradford, Brown, Clark, Curtis, Ellis, Fearn, Green, Grigsby, Jones, King, Lawler, Massey, Moore, Morrisett, Parsons, Rather, Richardson, Russell, Ship, Smith, Taylor, Weissinger and Young.

Those who voted in the negative are messrs Speaker Baker Bates Brodnax Byrnes Cole Coleman Conner Cook Coopwood Craig Dennis Durrett Pitts Flournoy Forrest Hays Hester Hodges Horton Jackson Lane Ligon McElderry Metcalfe Mims Murphree Oliver Philpott Robinson Ross Van Dyke Ward and Williams.

Mr Moore moved to refer the bill to the committee on education, with instructions to inquire whether any more cases exist requiring similar relief, and if so, to include them in the bill. Mr Ligon moved to amend Mr Moore's instructions, by striking out the word *them* and inserting the words *such as appears by petition*, which was lost. The question was then on the adoption of Mr Moore's instructions, and lost. The bill was then made the special order for a third reading on Monday next at 4 o'clock, p. m.

At 13 minutes after 3 o'clock, p. m. Mr Brodnax moved that the House adjourn till $\frac{1}{2}$ past 9 o'clock, A. M. on Monday next, which was carried. Mr Moore called for the yeas and nays. Yeas 41—Nays 20.

The yeas and nays being desired those who voted in the affirmative are messrs Speaker Baker, Barclay, Bates, Brodnax Brown, Byrnes, Coleman, Conner Cook Curtis Dale Durrett Ellis Fearn Pitts Flournoy Forrest Green Hays Horton Lane Lawler Ligon McElderry Metcalfe Mims Mobley Morrisett Oliver Parsons Pope Rather Richardson Robinson Ross Roulston Russell Taylor Van Dyke and Williams.

Those who voted in the negative are messrs Bradford Clark Cole Coopwood Craig Dennis Grigsby Hester Hodges Jackson Jones King Massey Moore Murphree Philpott Ship Ward Weissinger and Young.

And then the House adjourned till $\frac{1}{2}$ past 9 o'clock, A.M. on Monday next.
Monday, January 18, 1830.

The House met pursuant to adjournment.

The Speaker laid before the House a communication, which Mr Goldthwaite moved to spread on the Journal. Mr Ellis moved that the further consideration thereof be postponed until to morrow, which was lost. Yeas 20—Nays 48.

The yeas and nays being desired those who voted in the affirmative are messrs Acklen Baker Brodnax Cole Cook Ellis Fearn Pitts Flournoy Green Lane Ligon McElderry Mobley Parsons Penn Ship Smith Taylor and Young.

Those who voted in the negative are messrs Banks Barclay Bibb Bradford Brown Byrnes Clark Coleman Conner Coopwood Craig Curtis Dale Dennis Durrett Forrest Goldthwaite Grigsby Hays Hester Hodges Horton Hudson Jack Jackson Jones King Lawler Mardis Massey Metcalfe Mims Moore Murphree Oliver Philpott Pope Rather Richardson Robinson Ross Roulston Rousdon Russell Van Dyke Ward Weissinger and Williams.

Mr Baker moved that the communication lie on the table, which was lost. Yeas 25—Nays 43.

The yeas and nays being desired, those who voted in the affirmative are messrs Acklen, Baker, Bibb, Brodnax, Cole, Coleman, Cook, Ellis, Fearn, Pitts, Flournoy, Forrest, Green, Hester, Lane, Ligon, Metcalfe, Mobley, Oliver, Parsons, Penn, Ship, Smith, Taylor and Young.

Those who voted in the negative are messrs Banks, Barclay, Bradford, Brown, Byrnes, Clark, Conner, Coopwood, Craig, Curtis, Dale, Dennis, Durrett, Goldthwaite, Grigsby, Hays, Hodges, Horton, Hudson, Jack, Jackson, Jones, King, Lawler, Mardis, Massey, McElderry, Mims, Moore, Murphree, Philpott, Pope, Rather, Richardson, Roulston, Robinson, Ross, Rousdon, Russell, Van Dyke, Ward, Weissinger and Williams.

The question was again on Mr Goldthwaite's motion. Mr Mobley moved to amend Mr Goldthwaite's motion by inserting all communications in relation thereto which have appeared in the Mobile Commercial Register, which was carried. Said communications are as follows:

The last No. of the Commercial Register, a paper printed in the city of

Mobile, and of extensive circulation, contains a communication from Joseph Bates, a member of this House, from Mobile county, in which I am charged with having made "a wilful and gratuitous misrepresentation," in relation to the course pursued by Mr Byrnes, a member from the same county, on the bill to close the land office at Courtland. I am particularly noticed as the presiding officer of the House of Representatives, and Mr Bates professes to convict me of said charge by letters from messrs Ligon, Coleman, Horton, Hudson, Acklen, Fearn, Penn, Mobley, Fitts, Morrisett and Taylor, all members of this House. I cannot endure the idea of presiding over a body so distinguished for intelligence as this is, while under the imputation of a charge so vitally affecting my own reputation, and in which the character of the House is, in some degree, involved. I am sure that the members of this body have too exalted an opinion of its dignity and parity to consent that it shall be disgraced by retaining a man to preside over them, who could be guilty of the corruption implied in the charge which has been made by Mr Bates. If it had been supported by the name of that gentleman alone the House might, probably, conceive its time unprofitably employed in taking any notice of it whatever. But it has the appearance of being sanctioned by several members, all of whom are highly respectable, and most of them have become conspicuous at the present session for their intellectual and political attainments. I respectfully ask, that the House will elect a committee to investigate this accusation. If I should be found guilty, I shall desire to be sent back to my constituents loaded with your execrations. But if it should appear to be dictated alone by the malice of my accuser, if it should turn out to be altogether false, as I confidently believe it will, then he will find his reward in the just indignation of all good men.

Extract of a letter to the Editors, dated Tuscaloosa, Nov. 29, 1829.

Nothing of importance to our section of the state has transpired since my last, except the election of solicitor in the first judicial circuit, in which D. Crawford, Esq. succeeded by one vote on the sixth balloting. The contested election between James Jackson and the returned member, Hugh M-Vay, from Lauderdale, will, I am inclined to believe, result in favor of the former. The committee on that subject have gotten through with the testimony, and the probability is that their report will justify my prediction, and be adopted by the Senate. Our friend and townsman, D. Crawford, Esq. has been solicited by both parties to appear as counsel, but peculiar circumstances induced him to decline a participation in the matter. The contest will however be argued to-morrow by Judge Gayle for Jackson, and Judge Shortridge for M-Vay. The land bill, (so called,) which closes the land office at Courtland until the first of January next, after having passed our house, was lost in the Senate, but on reconsideration was again taken up and passed. Some of the commissioners are in attendance, awaiting the decision of the Legislature; and I should be gratified to ascertain their innocence of charges, which at present appear too plausible. On this bill, my honorable colleague voted on one day for, and the next, against it. His reasons being his own, I have not requested them.

Tuscaloosa, Dec. 14, 1829. Dear Sir: Yours of this date is now before me and the Mobile paper to which you alluded. I see in the paper a paragraph mentioning the vote of some member, from the county of Mobile, I presume, voting one day for, and the next day against the bill to close the land office at Courtland. You seem to think that Mr Byrnes is the gentleman alluded to by the writer of the letter published in the Mobile Commercial Register of the 7th inst. If you are correct in your conclusion, I can say, from a distinct recollection of Mr Byrnes' course, in relation to the bill to

close the land office, that he never did vote against it, but that he voted against the motion, made immediately after the introduction of the bill, to dispense with the constitutional rule that requires all bills to be read on three several days, &c. This motion was made for the purpose of passing the bill without giving any time for reflection, and the bill in its shape, at that time, provided for closing the office to a time indefinite, which imperfection was discovered the next day, and amended on motion of one of the most devoted friends of the bill. In justice to mr Byrnes I must say that he voted for the bill in all its stages in the House. With respect, your obedient servant,

THO. COOPWOOD.

Tuscaloosa, Dec. 14. 1829. It is certified that Tho. Fearn, a member from the county of Madison, obtained leave to introduce a bill to be entitled an act to suspend the sale of the lands granted to the state of Alabama, for the purpose of internal improvement, which was read a first time. Mr Fearn then moved that the rule, (which means the constitutional rule) requiring bills to be read on three several days, be dispensed with, and that it be read a second time forthwith, which was lost by yeas and nays. On this motion mr Byrnes voted in the negative. On the final passage of the bill, I find mr Byrnes' name on the affirmative side of the question, and it does not appear from the journal that he voted against the bill.

T. B. TUNSTALL. *Clerk of the House of Reps.*

Extract of a letter from the hon John Gayle, dated TUSCALOOSA, Dec. 14, 1829.

I have this moment received your note requesting me to state whether mr Byrnes voted against the bill to close the Land Office at Courtland, at any time while it was the subject of consideration in the House of Representatives. I regarded mr Byrnes as the decided advocate of that measure in every state of its progress, and I am confident he voted for it whenever any question was submitted touching its merits. The bill was introduced immediately after the Governor's message was communicated, and without being anticipated by but very few, if any. A motion was made, after it received its first reading, to dispense with the constitutional rule requiring bills, &c. to be read on three several days. Against this motion I believe mr Byrnes voted, as did many of its warm supporters. It is proper to remark, that a vote on dispensing with this rule, is no indication of a member's opinion on the merits of any measure, and is never taken as such.

Tuscaloosa, Dec. 31, 1829. *To the Editors of the Mobile Commercial Register.*—Gentlemen: The Register of the — inst. contains certificates of mr Speaker Gayle and mr Coopwood of the House of Representatives, doubtless intended to impugn my veracity. The remark in my letter to you, which seems to have made it the duty of Col. Hogan to procure their certificates, was a casual one, and made in most perfect good nature, and by me thought to be of no sort of importance, for I can assure you, I have no feelings of hostility towards mr Byrnes, and I am willing to believe he discharges his duty to his constituents to the best of his judgement, and such advice as his experience has possibly led him to receive. That he did vote one day with the opponents, and the next day with the friends of the famous land bill is literally true. It is equally true that, on a subsequent occasion, he voted for the postponement to a day beyond the session, of a bill introduced by himself to change, if not to amend the road law. But I do not charge mr Byrnes with sinister or improper motives. He, like myself, is without experience in legislation, and like myself, liable to err in many points of legislative etiquette. It is indeed no novel thing for young members sometimes to misunderstand a question as stated from the chair. I am sorry I

cannot say as much in favor of mr Speaker Gayle, mr Hogan and mr Coopwood; and that a regard for my own reputation has compelled me to take some pains to convict the first named gentleman of wilful and gratuitous misrepresentation. Apart from him, I should not have noticed the other two; they are well known and require no accusing. But the exalted station of mr G. places him above my contempt. You will please; therefore, publish the enclosed documents, which are in answer to inquiries I propounded to the gentlemen therein named, and which I flatter myself will be deemed conclusive as to the correctness of my statement regarding mr Byrnes' vote, and at the same time place mr Speaker Gayle before the public in the light he stands with those who know him best. My education, habits and inclination unite to forbid my continuing a paper warfare with a gentleman whose experience and known partiality for this mode of controversy give him an advantage which I am not disposed to yield him; but I presume whoever reads the enclosed certificates will not agree with mr Gayle that mr Byrnes was regarded as the decided advocate of that measure, (closing the land office at Courtland,) in every stage of its progress, and that he voted for it, whenever any question was submitted touching its merits.

JOSEPH BATES, Jun.

Tuscaloosa, December 31, 1829.

Maj. Joseph Bates, jr. Sir: In reply to your note of this morning, I will take up the inquiries in the order in which they occur. You request me to state how mr Byrnes voted the first day on the land bill, for closing the land office at Courtland, and if it is not my opinion that he was decidedly in opposition to the bill on that day, and if on the second day he did not vote in favor of its provisions. In reply I would state, that I was violently opposed to the bill, and felt strongly inclined to the belief that mr Byrnes voted with me on the day on which the bill was introduced. I am confident that he voted against the motion to dispense with the constitutional rule on that day, and believe that he voted against the second reading of the bill; tho' of this I cannot speak with absolute certainty. I would further state that he voted in favor of the bill the next day, and in favor of a motion to dispense with the constitutional rule, similar to the one made on the day before, against which he voted. I know not in what light he was viewed by the friends of the bill, whether as a convert or not, but I experienced much mortification in consequence of his leaving the ranks in which I was marching. In further answering, I would state, that I heard a report, (but from what source emanating I cannot say,) that mr Byrnes, in reply to an inquiry from some gentleman, stated that as much had been said on one side as the other, and that he voted as mr Coopwood did, which I never have heard contradicted. Respectfully yours,

DAVID G. LIGON.

I have read the foregoing statement, and agree with mr Ligon in my recollection of the course pursued by mr Byrnes in relation to closing the land office. Respectfully yours,

DANIEL COLEMAN.

Maj. J. Bates, jr. Sir: In reply to your letter of this date, I have to state that mr Byrnes did vote against the bill mentioned in your note, and against dispensing with the constitutional rule, on the day on which the bill was introduced, and on the days after he voted, both in favor of the bill, and a motion to dispense with the constitutional rule. Respectfully yours,

A. C. HORTON.

I have examined the foregoing, and, to the best of my recollection, it is correct.

BEN. HUDSON.

Tuscaloosa, Dec. 31, 1829. Maj. J. Bates, jr.—Sir: In answer to your note of the 31st inst requesting me to state my recollection of mr Byrnes' course, in regard to the land bill for closing the land office at Courtland, I

cannot now distinctly recollect the various questions which arose upon the bill in its progress through the house, or his several votes thereon, but I am well assured of one fact, that at some stage of the bill he voted with its opponents, and at another time I am equally certain he voted with its friends. This I have not heard him deny. Yours, &c. WM. ACKLEN, Jr.

Tuscaloosa, Dec. 31. 1829. Maj. J. Bates, jr.—Sir: Your note of this morning, making inquiries of me relative to the course pursued by your colleague, Mr Byrnes, when the bill for closing the land office was before the House, is now before me; and, in answer, I have to state that I cannot, after this lapse of time, recollect with distinctness all the different questions taken upon that bill during the first day; but feel confident, from the impression left on my mind, that Mr B. did, during the first day, vote uniformly with the opponents of the measure, and was numbered amongst them until he took the opposite side the following day. The report mentioned in the concluding part of your note, relative to the reasons assigned by Mr Byrnes for his vote on the first day, I well recollect to have heard jocularly stated in conversation, substantially as expressed by you, and have not since heard it contradicted. Yours, very respectfully, THOS. FEARN.

I concur with Dr Fearn in his impressions of the course pursued by Mr Byrnes, on the introduction of the bill closing the land office at Courtland. The report in relation to the reasons assigned by Mr Byrnes for his opposition to the bill on the first day, I did not hear. Respectfully, JAS. PENN.

My recollection upon the first part of Mr Bates' letter, corresponds with Dr Fearn and Mr J. Penn. The circumstance was forcibly and, I think, indelibly impressed on my mind, by the very great excitement which prevailed in the House of Representatives at that time, and the moment Mr Byrnes voted on the second day, I remarked it, and have often since mentioned it. I have heard many gentlemen, and among others, I think, Col. Hogan, telling the story as a good joke, that Byrnes had said, on being spoken to, that there was as much said on one side as the other. WM. TAYLOR.

I concur with Dr Fearn in his impression of the course pursued by Mr Byrnes on the introduction of the bill closing the land office at Courtland. Respectfully, &c. WM. MORLEY.

Sir: Not intending to take any part in newspaper discussion, but feeling it my duty to state facts when called on, so far as I may be in possession of them; I deem it proper to state that I have a distinct recollection of the votes given by Mr Byrnes, when the bill for closing the land office at Courtland was before the House. He did, during the first day, vote uniformly with the opponents of the bill. I mentioned to Maj. Hogan immediately after the House adjourned, at his room, with a view of getting him to use his influence, if he had any, with Mr Byrnes, to convince him to the contrary, as I felt much interest in the subject, to which he replied that he thought Mr Byrnes would go right. JOHN FITTS.

Tuscaloosa, Dec. 31, 1829. Dear Sir: In answer to your note, requesting me to state how Mr Byrnes voted on the bill to close the land office at Courtland, I can only say that I did not distinctly recollect all the questions voted on in relation to it; but whatever they were, my recollection is that Mr Byrnes voted against the friends of the bill, and with those opposed to it the first day only, and in favor of it at all subsequent stages until its final passage. JOHN MORRISSETT.

A message from the Senate by Mr Gayle. Mr Speaker—the Senate adhere to their amendments to the bill entitled an act more effectually to prevent the circulation of what are termed change bills or tickets, by striking out the 2d section thereof, and have appointed a committee on their part

consisting of messrs Jackson, Garth and Vining to confer with such committee as may be appointed on the part of your honorable body in relation to said amendment. They have indefinitely postponed bills which originated in the House of Representatives entitled an act to repeal in part an act passed 13th day of Jan. 1827, entitled an act to raise a revenue for the support of government until otherwise altered by law, and for other purposes; and an act to attach a part of the counties of Clarke and Wilcox to the county of Monroe and for other purpose.

Mr Roysdon offered the following resolution: *Resolved*, that a committee of five members be elected to investigate the conduct of John Gayle, Speaker of this House, relative to the truth or falsehood of certain statements made by said John Gayle in relation certain votes given by mr Byrnes a member of this House on the bill to close the land office at Courtland.

Mr Ligon, from the judiciary committee to which was referred the bill entitled an act to prescribe the manner in which the oaths of office shall be administered to the members and officers of the General Assembly, reported the bill without amendment, and as expedient to pass into a law. Mr Ligon then moved to recommit the bill, which was lost. Mr Parsons moved that it be indefinitely postponed, which was carried.

The bill from the Senate entitled an act to appoint commissioners to mark out a road through that part of Pike county now occupied by the Creek Indians, and for other purposes, was read a third time, and the question being put, shall this bill pass, it was determined in the affirmative. Yeas 42—Nays 18

The yeas and nays being desired, those who voted in the affirmative are messrs Baker Banks Barclay Bradford Brodnax Brown Clark Cook, Coopwood Curtis Dennis Dorrett Epps Flournoy Forrest Goldthwaite Hays Hester Hodges Horton Hudson Jack Jackson King Lawler Ligon mardis Massey m'Elderry mims murrephree Oliver Parsons PennPhilpott Pope Rather Ross Roulston Ship Smith and Ward.

Those who voted in the negative are messrs Acklen Bibb Cole Coleman Conner Ellis Fearn Green Grigsby Lane metcalfe moore Roysdon Taylor Van Dyke Weissinger Williams and Young.

The bill entitled an act incorporating the town of Hazlegreen in Madison county, was read the second time and the constitutional rule being dispensed with, it was read the third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Conner, from the judiciary committee to which was referred the bill entitled an act to amend the law on the subject of proving and recording deeds, reported the bill without amendment and that the laws of Congress have already provided for the subject matter of the bill. Mr Moore moved that the further consideration of the bill be postponed until the first Monday in August next, which was carried.

Mr Flornoy, from the select committee to which was referred a bill entitled an act repealing in part and amending an act passed at the annual session of the General Assembly for the year 1829, changing and designating the time of holding the circuit courts in the seventh and third judicial circuits of the state of Alabama, reported a substitute in lieu thereof. Mr Flornoy then moved to amend the bill by way of substitute in lieu of the one just reported. Mr Ellis moved that the bill and amendments be postponed till the first Monday in August next, which was lost. Yeas 30—Nays 34.

The yeas and nays being desired, those who voted in the affirmative are messrs Acklen Banks Bates Bradford Byrnes Conner Cook Curtis Dale Dennis Ellis

Grigsby Jack Mardis Massey Metcalfe Mims Murphree Parsons Penn Rather Richardson Robinson Roysdon Russell Ship Taylor Ward Williams and Young.

Those who voted in the negative are Messrs Baker Barclay Bibb Clark Coleman Coopwood Craig Durrett Fearn Fitts Flournoy Goldthwaite Green Hays Hester Hodges Horton Hudson Jackson Jones King Lawler Ligon McElderry Moore Morrisett Oliver Philpott Pope Ross Roulston Smith Van Dyke and Weissinger.

The resolution of Mr Roysdon proposing to elect a committee of five members to investigate the conduct of John Gayle was then adopted. The house then proceeded to the election of a committee, whereupon messrs Conner, Mardis, Oliver, Parsons and McElderry were elected said committee.

And then the house adjourned till four o'clock this evening.

At four o'clock the house met pursuant to adjournment.

Ordered, that Messrs Parsons, Coleman and Fearn be appointed a committee to confer with the committee appointed on the part of the Senate on the subject of disagreement between the two Houses on the amendments made by the Senate to the bill entitled an act more effectually to prevent the circulation of what are termed change bills or tickets.

The bill entitled an act to establish the boundary line between the counties of St. Clair and Jefferson and to repeal an act entitled an act to alter the boundary line of Jefferson county, was read the second time. Mr Brown moved to refer the bill to the Representatives of the counties of St. Clair, Shelby, and Jefferson, with instructions to report to-morrow morning, which was lost. Mr Forrest moved that the bill be indefinitely postponed, which was lost. Yeas 13—Nays 49.

The yeas and nays being desired, those who voted in the affirmative are Messrs Brown Byrnes Ellis Forrest Jack King McElderry Mobley Robinson Ross Roulston Van Dyke and Williams.

Those who voted in the negative are messrs Acklen Baker Banks Bates Bibb Bradford Brodnax Clark Cole Coleman Conner Curtis Dennis Durrett Fitts Fearn Flournoy Goldthwaite Green Grigsby Hays Hester Hodges Horton Hudson Jackson Jones Lane Ligon Mardis Massey Metcalfe Mims Moore Morrisett Murphree Oliver Parsons Pope Rather Richardson Roysdon Russell Ship Smith Taylor Ward Weissinger and Young.

Mr Forrest moved to amend the bill by striking out all after the enacting clause, and inserting in lieu thereof a substitute. A division of the question being called for, the vote was taken on striking out, which was lost. Yeas 22—Nays 35.

The yeas and nays being desired, those who voted in the affirmative are messrs Brown, Bernes, Cook, Craig, Dennis, Ellis, Fearn, Forrest, Horton, Jack, King, McElderry, Mobley, Moore, Morrisett, Parsons, Robinson, Ross, Roulston, Taylor, Van Dyke, and Williams.

Those who voted in the negative, are messrs Acklen, Baker, Banks, Bates, Bibb, Bradford, Brodnax, Clark, Cole, Conner, Curtis, Dale, Flournoy, Goldthwaite, Green, Grigsby, Hays, Hester, Hodges, Hudson, Jackson, Jones, Lawler, Ligon, Mardis, Massey, Mims, Murphree, Oliver, Rather, Roysdon, Ship, Ward, Weissinger, and Young.

Mr Coopwood then moved that the bill be referred to a select committee with instructions to report to-morrow morning, which was carried; whereupon messrs Conner Ellis and Rather, were appointed said committee.

A message from the Senate by Mr Gayle: Mr Speaker—The Senate have read three several times and passed a bill which originated in their house, entitled an act supplementary to an act to change the time of holding the circuit courts in the counties of Henry Dale, Covington, Baldwin and Mobile, passed Jan. 13, 1830, in which they ask the concurrence of your

honorable body. They have indefinitely postponed a bill which originated in the House of Representatives, entitled an act prescribing more fully the manner in which accounts against the state shall be authenticated and certified for keeping state prisoners.

The amendments of the Senate to the bill entitled an act to establish the county of Lowndes being under consideration: Mr Taylor moved to amend the first section by striking out "township 14, range 12." and inserting "north half of township 11, range 19." A division of the question being called for, the vote was first taken on striking out, and lost. Mr Robinson moved to disagree to the amendment of the Senate to the 7th section of the bill, which was lost. Mr Goldthwaite then moved that the House concur in all the amendments made by the Senate to said bill, which was carried. Yeas 50—Nays 17.

The yeas and nays being desired, those who voted in the affirmative are messrs Acklen Baker Barclay Bates Bibb Bradford Brown Clark Cole Coleman Conner Coopwood Craig Curtis Dennis Durrett Fearn Fitts Flournoy Goldthwaite Green Hester Horton Hudson Jackson Lane Ligon Mardis Massey McElderry Metcalfe Moore Morrisett Murphree Oliver Parsons Penn Philpott Pope Rather Roulston Roysdon Russell Ship Smith Ward Weissinger Williams and Young.

Those who voted in the negative are messrs Banks Cock Ellis Forrest Grigsby Hodges Jack Jones Lawler Mims Mobley Richardson Robinson Ross Taylor and Van Dyke.

Mr Brodnax made the following report: The committee on enrolled bills have examined and found correctly enrolled a bill entitled an act to establish La Grange college; and an act for the relief of securities in Bank.

The bill from the Senate entitled an act for the relief of Edmund Prince, was read the third time, and the question being put, Shall this bill pass? it was determined in the affirmative. Yeas 32—Nays 27.

The yeas and nays being desired, those who voted in the affirmative are messrs Speaker Baker Barclay Brodnax Clark Cole Coleman Conner Cock Coopwood Craig Curtis Dennis Durrett Flournoy Hester Hodges Horton Hudson Jack Jackson King Lane Ligon Murphree Oliver Philpott Richardson Robinson Ross Ward and Williams.

Those who voted in the negative are messrs Banks Bibb Bradford Brown Ellis Fearn Fitts Green Grigsby Jones Mardis Massey McElderry Metcalfe Mims Moore Morrisett Parsons Penn Rather Roulston Roysdon Russell Taylor Van Dyke Weissinger and Young.

Ordered, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith. And then the House adjourned till $\frac{1}{2}$ after 6 o'clock.

At half after six o'clock, the House met pursuant to adjournment. On motion of Mr Acklen: *Resolved*, that the Senate be informed that the House is now ready to receive them for the purpose of going into the election of a President and Directors of the Bank of the State of Alabama, five Canal Commissioners, and seven Commissioners for the Board of Internal Improvement, and members of the Medical Board.

The bill entitled an act regulating appeals taken from the county to the circuit courts, was read the third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The bill entitled an act to annex a part of Greene to Pickens, and to ascertain and mark out the dividing line between those counties, was read a second time and referred to a select committee consisting of messrs Flournoy; Richardson and Penn.

The engrossed bill from the Senate entitled an act to extend the time for final settlement of the accounts of the tax collector of Morgan county, was read a second time.

The Senate having repaired to the Hall of the House of Representatives and having taken the seats the two Houses proceeded to the election of a President of the Bank of the State of Alabama. Dr John L. Tindall alone being in nomination. For Dr Tindall 85 votes.

Those who voted for Dr Tindall are messrs Abercrombie, Conner, Crawford, Edmondson, Evans, Garth, Hogan, Hubbard, Irwin, Merriwether, Moore, Morton, Perry, Pickett, Smith, Vining, Walthall, Watkins, Wood. Reps. mr Speaker, Acklen, Banks, Barclay, Bates, Bibb, Bradford, Brodnax, Brown, Byrnes, Clark, Cole, Coleman, Conner, Cook, Coopwood, Craig, Curtis, Dale, Durrett, Ellis, Fearn, Fitts, Flournoy, Forrest, Goldthwaite, Green, Grigsby, Hays, Hester, Hodges, Horton, Hudson, Jack, Jones, King, Lane, Lawler, Ligon, Mardis, Massey, McElderry, Metcalfe, Mobley, Moore, Morrisett, Murphree, Oliver, Parsons, Penn, Philpott, Pope, Rather, Richardson, Robinson, Ross, Roulston, Roysdon, Russell, Ship, Taylor, Van Dyke, Ward, Weissinger, Williams and Young.

John L. Tindall having received all the votes present, was declared by Mr Speaker to be duly elected President of the Bank of the state of Alabama for the present year.

The two Houses then proceeded to the election of twelve Directors of the Bank of the State of Alabama for the present year; Benjamin B. Fontaine, William G. Parish, Constantine Perkins, Thomas Owen, Henry A. Snow, John H. Sommerville, James Guild, William R. Colgin, A. P. Baldwin, John O. Cummins, James H. Dearing, James M. Davenport, Samuel B. Ewing, Thomas R. Bolling, Charles Lewin, Charles S. Pattison, Nathan Hughes, Gilbert Saltonstall, Benjamin G. Sims, Frederick C. Ellis, Ira Griffin and John H. Vincent being in nomination. The votes stood thus: for mr Perkins 79—mr Parish 74—mr Ewing 70—mr Fontaine 65—mr Sommerville 61—mr Bolling 60—mr Saltonstall 58—mr Colgin 57—mr Lewin 57—mr Owen 56—mr Dearing 53—mr Ellis 52—mr Snow 51—mr Pattison 42—mr Guild 41—mr Cummins 34—mr Hughes 33—mr Vincent 36—mr Davenport 31—mr Sims 29—mr Griffin 27—mr Baldwin 26.

Those who voted for mr Fontaine are messrs Abercrombie Conner Edmondson Garth Hogan Irwin Jackson Merriwether Morton Pickett Vining Walthall Watkins. Reps. Banks Bibb Bradford Brodnax Brown Byrnes Clark Cole Coleman Conner Cook Craig Curtis Dale Dennis Durrett Fearn Fitts Flournoy Forrest Green Hester Hodges Horton Jack Jackson Jones Lane Lawler Ligon Mardis Massey McElderry Metcalfe Mims Moore Morrisett Murphree Parsons Penn Philpot Pope Rather Richardson Robinson Ross Russell Ship Smith Ward Weissinger and Young.

Those who voted for Mr Parish are, messrs Abercrombie, Conner, Crawford, Edmondson, Evans, Garth, Hogan, Hubbard, Irwin, Merriwether, Moore, Perry, Pickett, Smith, Vining, Walthall, Watkins. Reps. mr Speaker, Acklen, Banks, Bradford, Brodnax, Brown, Byrnes, Clark, Cole, Coleman, Conner, Cook, Coopwood, Curtis, Dale, Dennis, Durrett, Ellis, Fearn, Flournoy, Forrest, Goldthwaite, Green, Grigsby, Hays, Hester, Hodges, Hudson, Jack, Jackson, Jones, King, Lane, Lawler, Ligon, Mardis, McElderry, Metcalfe, Mims, Moore, Murphree, Oliver, Parsons, Penn, Philpot, Rather, Richardson, Robinson, Roulston, Roysdon, Russell, Ship, Smith, Van Dyke, Ward, Weissinger, Williams and Young.

Those who voted for mr Perkins are messrs Abercrombie Conner Crawford Edmondson Evans Garth Hogan Irwin Jackson Merriwether Moore Perry Pickett Smith Vining Walthall Wood. Reps. mr Speaker Acklen Baker Banks Barclay Bates Bibb Bradford Brodnax Brown Clark Cole Coleman Conner Cook Coopwood Craig Curtis Dale Dennis Durrett Fearn Fitts Forrest Goldthwaite Green Grigsby Hays Hester Hodges Horton Hudson Jack Jackson Jones King Lane Lawler Mardis Massey McElderry Metcalfe Mims Moore Morrisett Murphree Parsons Penn Philpott Pope Rather Richardson Robinson Ross Roysdon Ship Smith Taylor Van Dyke Ward Weissinger Williams and Young.

Those who voted for mr Owen are messrs Abercrombie Conner Crawford Edmondson Evans Garth Irwin Jackson Merriwether Moore Morton Pickett Smith Vin-

ing Walthall Watkins. Reps. mr Speaker Bates Banks Bibb Bradford Clark Cole Coleman Conner Coopwood Craig Dale Dennis Ellis Forrest Green Hays Hester Hodges Jack Jackson Jones King Lane Lawler Mardis Massey McElderry Metcalfe Moore Oliver Philpott Pope Rather Richardson Ship Ward Weissinger Williams and Young.

Those who voted for mr Snow are messrs Conner Crawford Evans Garth Hogan Hubbard Merriwether Moore Pickett Vinieg Walthall Watkins Wood. Reps mr Speaker Banks Barclay Bradford Brown x Brown Byrnes Clark Cole Conner Curtis Dale Dennis Fitts Flournoy Goldthwaite Green Hays Jack Ligon Mardis Massey McElderry Metcalfe Mims Mobley Morrisett Murphree Parsons Penn Philpott Pope Robinson Ross Roysdon Ship Weissinger Williams and Young.

Those who voted for mr Somerville are messrs Abercrombie Conner Edmondson Evans Hogan Hubbard Jackson Merriwether Moore Morton Perry Pickett Vinieg Walthall Wood. Reps mr Speaker Acklen Baker Barclay Bates Bibb Brodnax Coleman Cook Coopwood Craig Dale Durrett Fearn Fitts Flournoy Forrest Goldthwaite Grigsby Hester Hodges Horton Hudson Jack King Lane Ligon Mardis McElderry Mims Mobley Moore Murphree Oliver Parsons Penn Philpott Pope Richardson Robinson Ross Roysdon Russell Smith Taylor and Van Dyke.

Those who voted for mr Guild are messrs Crawford Edmondson Evans Hogan Merriwether Morton Pickett Smith Vinieg Walthall Watkins. Reps Banks Barclay Clark Cole Craig Curtis Dale Dennis Durrett Ellis Fearn Green Hudson Jack Jackson Mardis Metcalfe Morrisett Oliver Parsons Richardson Ross Roulster Roysdon Russell Ship Ward Weissinger Williams and Young.

Those who voted for mr Colgin are messrs Abercrombie Crawford Garth Hogan Jackson Merriwether Moore Morton Vinieg Walthall Watkins. Reps. mr Speaker Acklen Baker Banks Bates Bibb Bradford Brodnax Brown Cole Conner Coopwood Curtis Dale Durrett Ellis Fearn Fitts Green Hays Jack Jackson Jones Lawler Ligon Mardis Massey Mims Mobley Moore Morrisett Murphree Oliver Parsons Penn Philpott Pope Richardson Robinson Ross Ship Smith Van Dyke Weissinger Williams and Young.

Those who voted for mr Baldwin are messrs Hubbard Jackson Moore Watkins. Reps. Acklen Baker Brodnax Byrnes Cole Dennis Ellis Fitts Flournoy Goldthwaite Jack Lawler Mardis McElderry Metcalfe Mims Mobley Oliver Roysdon Ward Weissinger and Young.

Those who voted for mr Cummins are messrs Edmondson Evans Jackson Morton Perry Walthall. Reps. Baker Barclay Bates Bibb Byrnes Cole Coleman Craig Ellis Fitts Grigsby Hudson Jack Jones Lane Mims Oliver Penn Rather Ross Roysdon Smith Taylor Van Dyke Williams and Young.

Those who voted for mr Dearing are messrs Conner Crawford Garth Hogan Irwin Merriwether Moore Pickett Smith Vinieg Walthall Watkins. Reps. Acklen Banks Barclay Bates Brown Byrnes Clark Cole Coopwood Curtis Dale Dennis Durrett Flournoy Green Hays Hodges Hudson Jack Jackson Jones King Lawler Mardis Massey Metcalfe Mims Mobley Moore Morrisette Pope Rather Richardson Roulston Roysdon Russell Ship Smith Ward Weissinger Williams and Young.

Those who voted for mr Davenport are messrs Abercrombie Jackson Morton Vinieg Walthall. Reps. Baker Bates Bibb Cole Coleman Conner Curtis Ellis Fearn Fitts Flournoy Green Hays Hester Jack Lawler Mardis Metcalfe Mobley Moore Morrisett Parsons Peen Robinson Weissinger and Young.

Those who voted for mr Ewing are messrs Abercrombie Conner Crawford Edmondson Evans Hogan Hubbard Irwin Jackson Merriwether Morton Perry Pickett Smith Vinieg Watkins Wood. Reps. mr Speaker Acklen Baker Banks Barclay Bibb Brodnax Byrnes Coleman Conner Cook Coopwood Craig Curtis Dale Dennis Durrett Fearn Fitts Forrest Goldthwaite Green Grigsby Hays Hester Hodges Horton Hudson Jackson Jones King Lane Lawler Ligon Massey McElderry Metcalfe Mims Moore Murphree Parsons Penn Philpott Pope Rather Rickardson Robinson Roulston Russell Van Dyke and Ward.

Those who voted for mr Bolling are messrs Abercrombie Conner Edmondson Evans Hogan Hubbard Jackson Merriwether Morton Perry Vinieg Watkins Wood. Reps. mr Speaker Acklen Baker Banks Barclay Bates Bibb Bradford Brodnax Byrnes

Coleman Conner Cook Coopwood Curtis Dale Dennis Fearn Fitts Forrest Goldthwaite Green Grigsby Hodges Horton King Lane Ligon Massey Mims Mobley Moore Morrisett Murphree Oliver Parsons Penn Philpot Pope Rather Richardson Robinson Ross Roulston Taylor and Van Dyke.

Those who voted for Mr Lewin are messrs Abercrombie Conner Edmondson Garth Hubbard Irwin Morton Perry Smith Wood. Reps. Baker Banks Barclay Bradford Brodnax Byrnes Coleman Cook Coopwood Craig Dennis Durrett Fearn Forrest Hester Hodges Horton Hudson Jackson Jones King Lane Lawler Ligon Massey McElderry Mims Mobley Moore Morrisett Murphree Oliver Parsons Penn Philpot Pope Rather Robinson Ross Roulston Russell Smith Taylor Van Dyke Ward and Weissinger.

Those who voted for Mr Pattison are messrs Abercrombie Conner Hubbard Irwin Merriwether Morton Perry. Reps. Acklen Baker Banks Bradford Brodnax Coleman Cook Coopwood Craig Dennis Forrest Grigsby Hays Hester Hodges Horton Hudson Jackson Jones King Lane Ligon McElderry Murphree Oliver Philpot Rather Richardson Robinson Roulston Russell Taylor Ward and Williams.

Those who voted Mr Hughes are messrs Conner Crawford Edmondson Evans Hogan Hubbard Moore Perry Pickett Smith Wood. Reps. Mr Speaker Barclay Bates Bradford Brown Cook Ellis Goldthwaite Grigsby Horton King Massey Metcalfe Ross Roulston Roysdon Russell Ship Taylor Van Dyke Ward and Williams.

Those who voted for Mr Saltonstall are messrs Abercrombie Garth Hubbard Irwin Jackson Morton Smith Withall Watkins. Reps. Acklen Baker Bates Bibb Brodnax Brown Cole Coleman Conner Cook Coopwood Craig Curtis Dale Dennis Durrett Fearn Fitts Flournoy Forrest Goldthwaite Green Hays Hester Hodges Hudson Jackson Jones Lane Lawler Ligon McElderry Mobley Moore Morrisett Murphree Oliver Parsons Penn Pope Robinson Ross Roulston Russell Smith Taylor Weissinger and Young.

Those who voted for Mr Sims are Messrs Conner, Garth, Jackson, Moore, Perry, Smith, Wood. Reps. Acklen, Barclay, Bates, Bibb, Brodnax, Brown, Clarke, Ellis, Flornoy, Goldthwaite, Grigsby, Hester, Horton, Metcalfe, Murphree, Roulston, Roysdon, Russell, Ship, Smith, Taylor.

Those who voted for Mr Ellis are Messrs Crawford, Edmondson, Evans, Hubbard, Irwin, Moore, Perry, Pickett, Smith, Wood. Reps. Mr Speaker, Acklen, Barclay, Bradford, Brown, Byrnes, Clarke, Conner, Cook, Coopwood, Craig, Curtis, Dennis, Durrett, Ellis Flornoy, Forrest, Goldthwaite, Grigsby, Hays, Hester, Hodges, Horton, Hudson, Jones, King, Lawler, Massey, Mims, Mobley, Morrisett, Rather, Roulston, Roysdon, Russell, Ship, Smith, Taylor, Van Dyke, Williams.

Those who voted for Mr Griffin are Messrs Garth, Irwin, Moore, Wood. Reps. Mr Speaker, Bates, Bibb, Brown, Byrnes, Clarke, Cook, Craig, Ellis, Flornoy, Forrest, Grigsby, Jackson, Mardis, Massey, McElderry, Mobley, Oliver, Ship, Smith, Taylor, Ward, Williams.

Those who voted for Mr Vincent are messrs Crawford, Evans, Garth, Hogan, Hubbard, Irwin, Perry, Pickett, Smith, Watkins, Wood. Reps. Mr Speaker, Bates, Brown, Byrnes, Clark, Conner, Fearn, Fitts, Flornoy, Goldthwaite, Grigsby, Hays, Horton, Hudson, King, Ligon, Mobley, Morrisett, Perry, Philpott, Pope, Rather, Roulston, Roysdon, Van Dyke.

Constantine Perkins, William G. Parish, Samuel B. Ewing, Benjamin B. Fontaine, John H. Sommerville, Thomas R. Bolling, Gilbert Saltonstall, William R. Colgin, Charles Lewin, Thomas Owen, James H. Dearing, and Frederick C. Ellis, having received a majority of the whole number of votes were declared by Mr Speaker to be duly elected Directors of the Bank of the State of Alabama for the present year.

The two houses then proceeded to elect five canal commissioners, for the improvement of the navigation of the Tennessee river, John J. Ormond, John Sutherland, jun. John Craig, William I. Adair, Nicholas Davis and Isaac Lane, being in nomination. The vote stood thus: for Mr Ormond 58—Mr Sutherland 57—Mr Craig 78—Mr Adair 83—Mr Lane 81—Mr Davis 83.

Those who voted for mr Ormond are mr President, Conner, Crawford, Evans, Hubbard, Irwin, Moore, Perry, Pickett, Smith, Vining, Watkins, Wood. Reps. Mr Speaker, Acklen, Banks, Barclay, Bates, Bradford, Byrnes, Clark, Coleman, Cook, Coopwood, Curtis, Durrett, Fearn, Fitts, Goldthwaite, Greene, Grigsby, Hodges, Hudson, Jack, King, Lane, Lawler, Ligon, Mardis, Massey, Mims, Mobley, Moore, Morrisett, Murphree, Parsons, Penn, Philpott, Pope, Richardson, Robinson, Roulston, Roysdon, Russell, Smith, Van Dyke, Williams and Young.

Those who voted for mr Sutherland are mr President, Abercrombie, Crawford, Edmondson, Evans, Garth, Hogan, Hubbard, Jackson, Merriwether, Morton, Perry, Smith, Walthall, Wood. Reps. Mr Speaker, Bates, Barclay, Bibb, Brodax, Byrnes, Clark, Cole, Coleman, Conner, Craig, Dale, Dennis, Ellis, Fitts, Forrest, Greene, Grigsby, Hays, Hester, Hodges, Horton, Hudson, Jack, Jackson, Jones, Lawler, Ligon, Massey, McElderry, Oliver, Parsons, Penn, Philpott, Pope, Rather, Ross, Roysdon, Taylor, Ward, Weissinger and Williams.

Those who voted for mr Craig are mr President, Abercrombie, Conner, Crawford, Edmondson, Evans, Garth, Hogan, Hubbard, Irwin, Jackson, Merriwether, Moore, Morton, Perry, Pickett, Vining, Walthall, Watkins. Reps. Acklen, Baker, Banks, Bates, Bibb, Bradford, Brodax, Byrnes, Cole, Coane, Cook, Coopwood, Craig, Curtis, Dale, Dennis, Durrett, Ellis, Fearn, Fitts, Forrest, Goldthwaite, Greene, Grigsby, Hays, Hester, Horton, Hudson, Jackson, Jones, King, Lane, Lawler, Ligon, Mardis, Massey, McElderry, Mims, Mobley, Moore, Morrisett, Murphree, Oliver, Penn, Pope, Rather, Richardson, Robinson, Ross, Roulston, Roysdon, Russell, Smith, Taylor, Van Dyke, Weissinger and Young.

Those who voted for mr Adair are mr President, Abercrombie, Conner, Edmondson, Garth, Hogan, Irwin, Jackson, Merriwether, Moore, Morton, Perry, Pickett, Smith, Vining, Walthall, Watkins, Wood. Reps. Mr Speaker, Acklen, Baker, Banks, Barclay, Bates, Bibb, Bradford, Brodax, Byrnes, Clark, Cole, Coleman, Conner, Cook, Coopwood, Craig, Curtis, Dale, Dennis, Durrett, Ellis, Fearn, Fitts, Forrest, Goldthwaite, Greene, Hays, Hester, Hodges, Horton, Jack, Jackson, Jones, King, Lane, Lawler, Ligon, Mardis, Massey, McElderry, Mims, Mobley, Moore, Morrisett, Murphree, Oliver, Parsons, Penn, Pope, Rather, Richardson, Robinson, Ross, Roulston, Roysdon, Russell, Smith, Taylor, Van Dyke, Ward, Weissinger, Williams and Young.

Those who voted for mr Davis are mr President, Abercrombie, Conner, Crawford, Edmondson, Evans, Garth, Hogan, Hubbard, Irwin, Jackson, Merriwether, Moore, Morton, Perry, Pickett, Smith, Vining, Walthall, Watkins, Wood. Reps. Mr Speaker, Acklen, Baker, Banks, Barclay, Bates, Bibb, Bradford, Brodax, Byrnes, Cole, Coleman, Conner, Cook, Coopwood, Craig, Curtis, Dale, Dennis, Durrett, Ellis, Fearn, Fitts, Forrest, Goldthwaite, Grigsby, Hays, Hester, Hodges, Horton, Hudson, Jack, Jackson, Jones, King, Lane, Lawler, Mardis, McElderry, Mims, Mobley, Moore, Morrisett, Murphree, Oliver, Parsons, Philpott, Pope, Rather, Richardson, Robinson, Ross, Roulston, Roysdon, Russell, Smith, Taylor, Van Dyke, Ward, Weissinger, Williams and Young.

Those who voted for mr Lane are messrs, Abercrombie, Conner, Crawford, Edmondson, Evans, Garth, Hogan, Hubbard, Irwin, Jackson, Merriwether, Moore, Morton, Pickett, Smith, Vining, Walthall, Watkins, Wood. Reps. Mr Speaker, Acklen, Baker, Banks, Barclay, Bates, Bibb, Bradford, Brodax, Clark, Cole, Coleman, Conner, Cook, Coopwood, Craig, Curtis, Dale, Dennis, Durrett, Ellis, Fearn, Forrest, Goldthwaite, Greene, Grigsby, Hays, Hester, Hodges, Horton, Hudson, Jack, Jackson, Jones, King, Lane, Ligon, Mardis, Massey, McElderry, Mims, Mobley, Moore, Morrisett, Murphree, Oliver, Parsons, Penn, Philpott, Rather, Richardson, Robinson, Ross, Roulston, Russell, Smith, Taylor, Van Dyke, Ward, Weissinger, Williams and Young.

John J. Ormond, John Craig, William L. Adair, Nicholas Davis and Isaac Lane, having received a majority of the whole number of votes, were declared by Mr Speaker to be duly elected canal commissioners for the improvement of the navigation of the Tennessee river.

The two houses then went into the election of members of the board of internal improvement for the state of Alabama and proceeded first to the election of a commissioner or member of the board of internal improvement from the Mobile river district, Jack F. Ross and Henry Hitchcock being

in nomination. The vote stood thus: for Mr Hitchcock 42—for Mr Ross 44.

Those who voted for mr Hitchcock are mr Mr President Crawford Evans Hogan Hubbard Merriwether Moore Morton Perry Pickett Smith. Reps. mr Speaker Byrnes Clark Cole Conner Coopwood Curtis Dennis Ellis Fitts Forres Goldthwaite Green Grigsby Hester Hodges Jones King Lawler Mardis Massey McElderry Mims Parsons Pope Richardson Russell Van Dyke Weissinger Williams and Young.

Those who voted for mr Ross are messrs Abercrombie Conner Edmondson Garth Irwin Jackson Vining Walthall Wood. Acklen Baker Banks Barclay Bates Bibb Bradford brodnax Coleman Cook Craig Dale Durrett Fearn Flornoy Hays Horton Hudson Jack Jackson Lane Ligon Mobley Moore Murphree Oliver Penn Philpott Rather Robinson Ross Roulston Roysdon Taylor and Ward.

Jack F. Ross having received a majority of votes was declared by mr Speaker to be duly elected a member of the board of internal improvement from the Mobile river district.

The two houses then proceeded to elect a commissioner or member of the board of internal improvement from the Tombecbe river district, George S. Gaines alone being in nomination.

Those who voted for mr Gaines are mr President Abercrombie Conner Crawford Edmondson Evans Hogan Hubbard Irwin Jackson Merriwether Moore Morton Perry Pickett Smith Vining Walthall Wood. Reps. mr Speaker Acklen Baker Banks Barclay Bates Bibb Bradford brodnax Byrnes Clark Cole Coleman Conner Cook Coopwood Craig Curtis Dale Dennis Durrett Ellis Fearn Fitts Flornoy Forrest Goldthwaite Greene Grigsby Hays Hester Hodges Horton Jack Jackson Jones King Lane Lawler Ligon Massey McElderry Mims Mobley Moore Morrisett Oliver Parsons Penn Philpott Pope Rather Richardson Robbins Ross Roulston Roysdon Russell Taylor Van Dyke Ward Weissinger Williams and Young.

George S. Gaines having received all the votes present, was declared by mr Speaker to be duly elected a member of the board of internal improvement.

The two houses then proceeded to elect a member of the board of internal improvement from the Alabama river district, John Martin and Charles Tate being in nomination. For mr Martin 37—for mr Tate 44.

Those who voted for mr Martin are messrs Evans Hubbard Hogan Irwin Merriwether Moore Pickett Vining. Reps. mr Speaker Barclay Bradford Byrnes Clark Cole Conner Coopwood Dennis Ellis Goldthwaite Grigsby Hays Hester Hodges Jones King Lawler Mardis Massey Mims Murphree Philpott Richardson Roysdon Russell Van Dyke Weissinger and Williams.

Those who voted for mr Tate are mr President Abercrombie Conner Crawford Edmondson Jackson Morton Perry Smith Walthall Wood. Reps. Baker Banks Bibb Coleman Craig Curtis Dale Durrett Fearn Fitts Flornoy Forrest Greene Horton Hudson Jackson Lane Ligon McElderry Mobley Moore Morrisett Parsons Penn Pope Rather Robinson Ross Roulston Taylor Ward and Young.

Charles Tate having received a majority of votes was declared by mr Speaker to be duly elected a member of the board of internal improvement for the state of Alabama.

The two houses then proceeded to elect a member of the board of internal improvement from the Black Warrior river district, Peyton King, Wm. Nichols, James H. Dearing and John R. Witherspoon, being in nomination. For mr King 42—mr Nichols 4—mr Dearing 14—mr Witherspoon 32.

Those who voted for mr King are messrs Edmondson Evans Hogan Hubbard Jackson Morton Wood. Reps. Acklen Baker Barclay Bates Bibb Coleman Cook Craig Dennis Durrett Flornoy Forrest Goldthwaite Hester Hudson King Lane Lawler Ligon Mardis Massey McElderry Moore Murphree Oliver Parsons Penn Philpott Pope Rather Robinson Ross Roulston Roysdon and Ward.

Those who voted for mr Nichols are messrs Moore Perry Smith. Rep. Ellis.

Those who voted for mr Dearing are mr president Abercrombie Conner Irwin Vining. reps. banks bratford Fearn Fitts Greene Jackson weissinger and williams.

Those who voted for mr witherspoon are messrs Crawford Merriwether Pickett and Walhall. reps. mr Speaker Byrnes Clark Cole Coopwood Dale Grigsby Hays Hodges Horton Jones Mims Richardson Russell Taylor Van Dyke and Young.

Peyton King having received a majority of votes was declared by mr Speaker to be duly elected a member of the board of internal improvement for the state of Alabama.

The two houses then proceeded to elect a member of the board of internal improvement from the Coosa river district, Daniel E. Watrous, alone being in nomination. For mr Watrous 73 votes.

Those who voted for mr Watrous are mr President Abercrombie Conner Crawford Edmondson Evans Hogan Irwin Jackson Merriwether Moore Perry Smith Vining Walhall Wood. Reps. Mr Speaker Acklen Baker Barclay Bates Bradford Byrnes Clark Cole Coleman Cook Coopwood Craig Dale Dennis Durrett Fearn Fitts Forrest Goldthwaite Greene Hays Hester Hodges Horton Hudson Jack Jackson Jones Kieg Lane Lawler Ligon Mardis Massey McElderry Mims Mobley Moore Morrisett Murphree Oliver Parsons Penn Philpott Pope Rather Richardson Robinson Ross Roulston Russell Van Dyke Weissinger Williams and Young.

Daniel E. Watrous having received all the votes present was declared by mr Speaker to be duly elected a member of the board of internal improvement for the state of Alabama from the Coosa river district.

The two houses then proceeded to elect a member of the board of internal improvement from the Tennessee river district, John Sutherland, jun. and William H. Moore being in nomination. For mr Sutherland 56—mr Moore 16.

Those who voted for mr Sutherland are messrs Abercrombie Conner Edmondson Hubbard Irwin Jackson Perry Wood. Reps. Mr Speaker Baker Bates Bibb Barnes Cole Coleman Cook Coopwood Craig Dale Dennis Durrett Fearn Fitts Forrest Greene Hays Hester Hodges Horton Hudson Jack Jackson Jones Lane Lawler Ligon Mardis McElderry Mims Mobley Morrisett Murphree Oliver Parsons Penn Philpott Pope Rather Richardson Robinson Ross Taylor Ward Weissinger Williams and Young.

Those who voted for mr Moore are mr President Crawford Evans Hogan Merriwether Moore Smith Vining. Reps. Barclay Bradford Clark King Roulston Russell and Van Dyke.

John Sutherland, having received a majority of votes, was declared by mr Speaker to be duly elected a member of the board of internal improvement for the state of Alabama, from the Tennessee river district.

The Senate then withdrew, and the House adjourned until to-morrow morning, half past 9 o'clock.

Tuesday January 19, 1830.

The House met pursuant to adjournment.

The engrossed bill entitled an act more effectually to secure the estates of females, was read a third time, and the question being put "shall this bill pass?" it was determined in the negative. Yeas 23—Nays 34.

The yeas and nays being desired, those who voted in the affirmative are messrs Acklen, Baker, Bates, Bibb, Brodnax, Dale, Durrett, Fearn, Green, Grigsby, Hays, Hester, Mobley, Oliver, Parsons, Penn, Philpott, Rather, Robinson, Ross, Smith, Weissinger, and Williams.

Those who voted in the negative are messrs Bank, Barclay, Bradford, Brown, Byrnes, Clark, Cole, Conner, Coopwood, Craig, Dennis, Flournoy, Goldthwaite, Hodges, Horton, Hudson, Jack, Jones, Lawler, Mardis, Massey, McElderry, Metcalfe, Mims, Moore, Murphree, Richardson, Roulston, Russell, Ship, Taylor, Van Dyke, Ward, and Young.

Mr Parsons then moved to spread on the journal said bill, together with the original as first introduced, which was carried. Said bill is as follows :

A bill entitled an act more effectually to secure the estates of females.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the property of the wife in marriages hereafter solemnized, shall be protected against the debts of the husband, contracted before marriage, and so in like manner shall the husband's estate be protected against the debts of the wife, contracted before marriage.

Sec. 2. *And be it further enacted,* That upon recovery had against the husband for the debt of the wife, in the cases of marriages hereafter solemnized, the execution shall be awarded against the husband to be levied of the estate of the wife in the hands of the husband.

Sec. 3. *And be it further enacted,* That in the cases of marriage hereafter solemnized, and upon execution against the husband, founded upon debts contracted before marriage, and it shall appear by the affidavit of any creditable person, that the estate of the wife protected by the first section of this act, is levied upon, it shall be the duty of the judge of the county or circuit court of the county in which such levy is made, upon the application of the husband or the wife by the next friend, to appoint some suitable person to claim the property, and to enter into bond and security for the forthcoming of the property, and for the costs of the suit, and upon a compliance with this provision, a trial of the right of property shall be had, as in other cases, and the like recovery had upon a forfeiture of the bond: *Provided,* nothing in this act contained shall take effect until the first day of February next.

Sec. 4. *And be it further enacted,* That land and slaves given to the wife by will or by a deed of gift, by any other person than the husband, shall not be subject to pay the husband's debts: *Provided,* such last will and testament or deed of gift be proved and recorded in the county of the residence of the testator within the time prescribed by law, and the deed of gift be proved and recorded in the office of the clerk of the county court of the county in which the wife resides, within three months after the making of the deed of gift.

Sec. 5. *And be it further enacted,* That all rents and profits of the wife's land, and proceeds of the wife's estate, except the increase of slaves the property of the wife, shall be the property of the husband, unless by will or deed of gift the husband is excluded from such benefit.

Sec. 6. *And be it further enacted,* That the husband shall, if he survive the wife, be entitled to a life estate in the property of the wife, and after the death of the husband and wife, the property, whether real or personal, of the wife, shall descend and pass in equal shares to the children of the husband and wife, and if no children, to the nearest of kin of the wife in equal shares.

Mr Parsons asked leave of absence for the committee appointed to examine and investigate the conduct of John Gayle, during the session of the House, which was granted.

The engrossed bill entitled an act to divorce certain persons therein named, was read a third time, and the question being put, "shall this bill pass?" it was determined in the affirmative. Yeas 39—Nays 10.

The yeas and nays being desired those who voted in the affirmative are messrs Acklen, Banks, Barclay, Bates, Bibb, Bradford, Brown, Brodnax, Byrnes, Clark, Coopwood, Cantis, Dale, Durrett, Ellis, Fearn, Flomnoy, Green, Hays, Hester, Hodges, Jackson, Lane, Massey, Alms, Moore, Morrisett, Penn, Philpott, Rather, Richardson Robinson, Ross, Roulston, Russell, Ship, Smith, Van Dyke and Williams.

Those who voted in the negative are messrs Cole, Dennis, Goldthwaite, Hudson, Jack, Jones, Mobley, Murphree, Weissinger and Young.

Ordered, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Rather called up the bill from the Senate entitled an act to extend the time for final settlement of the accounts of the tax collector of Morgan county, which was read a second time; and the constitutional rule being dispensed with, it was forthwith read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Acklen made the following report: The committee on enrolled bills have examined and found correctly enrolled bills of the following titles: an act regulating the duties of county treasurer; and an act to authorize James Davis and associates to turnpike a certain road therein named, all of which originated in the Senate.

Mr Brodnax made the following report: The committee on enrolled bills have examined and found correctly enrolled bills of the following titles, viz: an act appointing commissioners to establish the line between the counties of Tuscaloosa, Greene and Pickens; and act to establish the county of Lowndes.

A message from the Senate by Mr Gayle. Mr Speaker: The Senate have adopted a report and resolution on the subject of the Tariff, which originated in their house, and in which they desire the concurrence of the House of Representatives.

The engrossed bill entitled an act making appropriations for the payment of certain claims against the State was read a third time. Mr Ellis moved to strike out of the twenty-ninth line of the first section, the words "eighty six dollars and twenty-five cents," and inserting in lieu thereof the words, "and James and Elisha Payne upon a charge of horse stealing, two hundred and fifty eight dollars. seventy-five cents," which was carried. Mr Young moved to amend the bill by adding thereto an additional section, which was carried. Mr Flournoy's amendment by section—carried. Mr Fearn moved to amend the bill by adding thereto an additional section, which was lost. Yeas 27—Nays 30.

The yeas and nays being desired, those who voted in the affirmative are messrs Acklen, Banks, Brodnax, Clark, Cole, Dale, Ellis, Fearn, Goldthwaite, Grigsby, Hester, Horton, Jack, Jones, King, Mims, Moore, Morrisett, Parsons, Richardson, Ross, Roulston, Taylor, Van Dyke, Weissinger, Williams and Young.

Those who voted in the negative are messrs Baker, Barclay, Bates, Fabb, Bradford, Brown, Byrnes, Coleman, Coopwood, Craig, Durrett, Fitts, Green, Hays, Hodges, Hudson, Jackson, Lane, Lawler, Ligon, Metcalfe, Mobley, Murphy, Penn, Philpott, Rather, Russell, Ship, Smith, and Ward.

Mr Fearn moved farther to amend the bill by adding thereto an additional section—The bill was then laid on the table for an hour.

Message from the Senate by Mr Gayle. Mr Speaker: the Senate have read three several times and passed a bill which originated in the House of Representatives entitled an act to repeal in part an act incorporating the town of Hazlegreen, in Madison county. They have concurred in the amendments made by your honorable body to the bill which originated in the Senate entitled an act to appoint commissioners to mark out a road through that part of Pike county now occupied by the Creek Indians, and for other purposes—They have indefinitely postponed a bill which originated in the House of Representatives, entitled an act regulating appeals taken from the county to the circuit courts. They have read three several times and passed a bill which originated in the House of Representatives, entitled an act to divorce certain persons therein named, which they have amended by adding thereto an additional section, in

which they ask the concurrence of your honorable body. They have adopted the following resolution, in which they ask the concurrence of your honorable body, to wit: *Resolved*, That with the concurrence of the House of Representatives the two Houses will proceed to the election of a judge of the county court for the county of Lowndes, at the hour of 7 o'clock this evening. *Resolved*, That with the concurrence of the House of Representatives, the two houses will proceed to the election of members to fill the respective medical boards, at the hour of 7 o'clock this evening, in which they ask the concurrence of your honorable body. They have read three several times and passed bills which originated in the Senate, entitled an act to regulate sales by auction in the city and county of Mobile, and for other purposes; and an act making appropriation for the completion of the State Capitol, in which they request the concurrence of your honorable body.

The bill entitled an act making appropriations for the year 1830, being on its second reading: Mr Clark moved to amend the bill by striking out the word "fifty," to insert "twenty five," so that it will read four hundred and twenty-five dollars, the annual salary of the attorney general, which was carried. Mr Morrisett moved to amend the bill by striking out the words "two thousand," with a view to insert "one thousand," a division of the question being called for, the vote was first taken on striking out, and lost. Mr Clark moved to strike out that section of the bill making an appropriation to the State Architect, which was carried. Yeas 29—Nays 22.

The yeas and nays being desired, those who voted in the affirmative are messrs Baker Brodnax Brown Clark Coopwood Craig Dennis Goldthwaite Green Grigsby Hester Hodges Horton Hudson Jackson Jones Lawler Massey Metcalfe Morrisett Murphree Philpott Rather Ross Roulston Ship Van Dyke Ward and Weisinger.

Those who voted in the negative are messrs Acklen Banks Barclay Bibb Bradford Cole Coleman Dale Durrett Ellis Fearn Fitts Hays Jack Lane Ligon Mims Mobley Moore Penn Williams and Young.

Mr Hudson moved to strike out so much of the bill as makes an appropriation to Benjamin M. Bradford as a witness, which was carried. Mr Goldthwaite moved to strike out section No. 6, an appropriation to Samuel Pickens, late comptroller, for clerk hire, which was carried. Mr Clark moved to amend the bill by adding thereto an additional section No. 8, which was carried. Mr Fearn moved to amend the bill by adding thereto an additional section, which was lost. Yeas 21—nays 35.

The yeas and nays being desired, those who voted in the affirmative are messrs Banks Barclay Bibb Coleman Conner Craig Durrett Ellis Fearn Fitts Floornoy Hays Jack Mims Mobley Moore Penn Rather Richardson Smith and Williams.

Those who voted in the negative are messrs Baker Bradford Brodnax Brown Byrnes Clark Cole Coopwood Dale Dennis Goldthwaite Hester Hodges Horton Hudson Jackson Jones Lane Lawler Mardis Massey McElerry Metcalfe Morrisett Murphree Oliver Parsons Philpott Ross Roulston Ship Van Dyke Ward Weisinger and Young.

As the constitutional rule being dispensed with, it was considered as engrossed, and ordered to be read a third time to day, at the hour of three o'clock.

Ordered, that Messrs Greene and Cook have leave of absence for the remainder of the session.

Mr Goldthwaite obtained leave to introduce a bill to be entitled an act to organize the county of Lowndes, and for other purposes, which was read a first time, and the constitutional rule being dispensed with, it was read a second time forthwith. Mr Mobley moved to amend the bill by

adding thereto an additional section, which was lost. Mr Jack moved to amend the bill by adding thereto an additional section. And the House adjourned to 3 o'clock this evening.

At 3 o'clock the House met pursuant to adjournment.

A message from the Governor, by James I. Thornton. Mr Speaker: The Governor did, on the 16th inst approve and sign the following bills: an act to alter the time of holding the county courts in the counties of Marion, and Dallas; an act for the payment of Benjamin M. Bradford and Jack Shackelford, for stationary, printing and other purposes; and an act to regulate the landing of goods by steam boats and barges, and for other purposes, all of which originated in the House of Representatives.

The House resumed the consideration of Mr Jack's amendment, and the question was on its adoption and lost. Mr Goldthwaite moved to amend the 2d section by adding a proviso thereto, which was carried. Mr Goldthwaite moved further to amend the bill by adding thereto an additional section, which was carried. And the constitutional rule being dispensed with, it was forthwith read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The engrossed bill entitled an act making an appropriation for the payment of certain claims against the State, the question was on the adoption of Mr Fearn's amendment, and lost. And the constitutional rule being dispensed with, it was forthwith read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The engrossed bill entitled an act making appropriations for the year 1830, was read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The memorial to the Congress of the United States—the amendments of the Senate to said memorial being under consideration. Mr Goldthwaite moved to amend the amendment of the Senate by inserting at the end thereof the following: "and if no measure of permanent relief can be adopted by your honorable body, that the land sales will at least be postponed to a day certain, not less than twelve months from the times they are advertised to take place, which was carried. Yeas 36—Nays 19.

The yeas and nays being desired, those who voted in the affirmative are messrs Acklen, Barclay, Bradford, Brodnax, Clark, Cole, Craig, Coopwood, Curtis, Dennis, Ellis, Fearn, Flomboy, Goldthwaite, Grigsby, Hays, Hester, Judges, Jack, Jackson, Jones King, Lawler, Massey, Mims, Moore, Penn, Plalpott, Richardson, Robinson, Ross, Roulston, Smith, Taylor Van Dyke, Ward and Weissinger.

Those who voted in the negative are messrs Banks, Bibb, Brown, Byrnes, Coleman, Craig, Dale, Durrett, Epps, Horton, Hudson, Lane, Ligon, Metcalfe, Morrisett, Murphyree, Rather, Russell, and Ship.

Mr Coopwood moved to amend the amendment made by the Senate, by adding after the words "1819," the words "and 1820," which was carried. The amendments as amended was then concurred in. *Ordered*, that the clerk acquaint the Senate therewith.

A message from the Senate by Mr Gayle. Mr Speaker: The Senate recede from their amendments by adding sections numbered 8 and 9 to the bill which originated in the House of Representatives, entitled an act to appoint commissioners to mark and lay out a certain road therein specified. They have read three several times and passed a bill which originated in the House of Representatives, entitled an act to emancipate a female slave named Maria, a part of the estate of the late

M'Commico, of the county of Monroe. They have also read three several times and passed a bill which originated in their House entitled an act to incorporate the Tuscaloosa engine company, in which they ask the concurrence of your honorable body.

Mr Fearn made the following report: The committee of conference to which was referred the matters of difference betwixt the two Houses in relation to an amendment made in the Senate, to the second section of a bill which originated in the House of Representatives entitled an act more effectually to prevent the circulation of what are termed change bills or tickets, have according to order had the same under consideration, and have agreed to report as follows: That the Senate recede from their amendment by striking out the 2d section, and that the third section be amended by inserting after the word "give," in the second line of the 3d section, the words "the first section of."

ENOCH PARSONS, *Chair'n of com'te on part of the House.*

JAMES JACKSON, *Chair'n on the part of the Senate.*

In which report the House concurred.

Mr Ligon made the following report: the select committee to which was referred a bill to be entitled an act to alter and amend the charter of the incorporation of the city of mobile, have according to order had the same under consideration, and have instructed me to report that they have availed themselves of the opportunity at present afforded them of conversing with gentlemen of high respectability from the city of Mobile, upon the subject of the contemplated changes in the internal police of said city, and after mature deliberation, they have come to the conclusion, that inasmuch as the petitioners both for and against the change do not constitute a half of the whole number of householders in said city, and that said petitions were evidently got up in great haste, and without mature reflection, they have made the following amendments, which they recommend to the House for adoption, to wit: Strike out all after the enacting clause in the 1st section of the bill; the whole of the 2d, 3d and 4th sections; the following words in the 5th section: "Sec. 5. *And be it further enacted;*" the whole of the 6th section change the figure "7" to 2 in the 7th section, and the figure "8" to 3, in the 8th section. Mr Coopwood moved that the House disagree to the report, which was lost. Mr Jack moved that the bill and report lie on the table, which was lost. It was then concurred in. And the constitutional rule being dispensed with, it was read a second time forthwith: and the rule being further dispensed with, it was then read a third time forthwith and passed. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Brodnax made the following report: The committee on enrolled bills have examined and found correctly enrolled, a bill entitled an act to appoint commissioners to mark out a road through that part of Pike county now occupied by the Creek Indians.

Mr Acklen made the following report: The committee on enrolled bills have examined and found correctly enrolled a bill entitled an act to emancipate a female slave named Maria, a part of the estate of the late Christopher M'Commico, of the county of Monroe, which originated in this House.

Mr Mobley called up the bill from the Senate entitled an act for the relief of Henry Sossaman, which was read a second time, and the constitutional rule being dispensed with, it was read a third time forthwith and passed. Yeas 34—Nays 17.

* Yeas and Nays being desired, those who voted in the affirmative are mesers

Baker, Banks, Barclay, Bibb, Brodnax, Byrnes, Clark, Coleman, Dale, Durrett, Ellis, Fearn, Fitts, Flournoy, Forrest, Gold-hwaite, Hays, Hodges, Horton, Jack, Jackson, King, Lee, Ligon, Mims, Mobley, Moore, Penn, Russell, Taylor, Van Dyke, Weissinger, Williams and Young.

Those who voted in the negative are Messrs Brown, Cole, Craig, Dennis, Hudson, Jones, Lawler, Massey, Metcalfe, Morrisett, Rather, Richardson, Ross, Roulston, Ship, Smith, and Ward.

Ordered, that the clerk acquaint the Senate therewith.

A Message from the Senate by Mr Gayle. Mr Speaker: The Senate have read three several times and and passed a bill which originated in the House of Representatives entitled an act making appropriations for the year 1830. They concur in the amendments made by your honorable to the memorial which originated in in the House of Representatives, entitled memorial of the General Assembly of the State of Alabama, to the Congress of the United States in relation to forfeited lands within the State, and now advertised for sale by the proclamation of the President. They disagree as herewith shewn to the amendments made by the House of Representatives to the bill which originated in their House, entitled an act to alter the times of holding the county courts of Jackson and Lauderdale counties—and concur in the amendments made to said bill by your honorable body, by striking out of the title the words “and Lauderdale counties;” and after the word “Jackson,” insert the word “county,” and by striking out all of the 3d and 4th sections.

Ordered, that the House concur in the resolution from the Senate proposing to go into the election of a judge of the county court for the county of Lowndes, and members of the different medical boards.

Mr Jackson, from the select committee to which was referred the memorial to Congress praying the establishment of a land office at Monticello, reported the following amendment: *Provided however*, that the establishing a land office at Monticello, shall not effect the discontinuance of the land office at Sparta. Mr Clark moved that the House disagree to said report, which was carried. The memorial was then adopted.

Mr Taylor made the following report: The military committee to whom was referred the petition and documentary evidence of Samuel Martin, accompanied by a memorial to the Congress of the United States, praying the payment of arrearages due his deceased father, for revolutionary services have according to order had the same under consideration, and instructed me to report the same to the House without amendment, and the committee from the evidence offered recommend the adoption of the memorial. The memorial was then adopted. *Ordered*, that the title be “The memorial of Samuel Martin.” *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Moore from the committee on lands appropriated for internal improvement, to which was referred a resolution instructing them to inquire into the expediency of amending the act of the last session providing for the sale of said lands, so far as to render more explicit that part which relates to discounts for prompt payment, and such other parts of said act as may appear to them defective, reported that all the objects contained in said resolution are embraced in bills which have passed, together with others now in progress in this House, and the committee asked leave to be discharged from the further consideration of said resolution, which was granted.

Mr Flournoy, from the select committee to which was referred a petition of sundry citizens of Greene county, proposing to be added to the county of Pickens, reported that the prayer of the petitioners is reasonable, and ought to be granted.

The same committee to which was referred a bill entitled an act to annex a part of Greene to Pickens, and to ascertain and mark out the dividing line between those counties, reported the same with the following amendment: by striking out the second section. Mr Richardson moved that the bill and report lie on the table, which was carried.

A message from the Senate, by Mr Gayle. Mr Speaker: The Senate have read three several times and passed a bill which originated in the House of Representatives entitled an act to organize the county of Lowndes, and for other purposes.

The engrossed bill entitled an act to emancipate certain slaves therein named, was read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for concurrence. And then the House adjourned to seven o'clock this evening.

At seven o'clock the House met pursuant to adjournment.

The engrossed bill from the Senate entitled an act for the relief of Jane Tune, was read a second time, and the constitutional rule being dispensed with, it was forthwith read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

A message from the Senate by Mr Gayle. Mr Speaker: The Senate have read three several times and passed a bill which originated in the House of Representatives, entitled an act making an appropriation for the payment of certain claims against the State, and have amended the same by adding various additional sections thereto, numbered from 24 to 43 inclusive, in which they ask your concurrence.

On motion of Mr Acklen, *Resolved*, that the Senate be informed that the House of Representatives is now ready to receive them in their Hall for the purpose of going in to the election of a judge of the county court for the county of Lowndes, and officers of the different medical boards, as established by law.

The engrossed bill entitled an act to authorize the county courts of Butler, Pickens, Shelby and Autauga counties to cause certain records therein named to be transcribed, was read a third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The engrossed bill entitled an act to discontinue and establish certain election precincts therein specified, being under consideration, Mr Mims moved that the bill lie on the table.

The Senate having repaired to the Hall of the House of Representatives, the two Houses then proceeded to the election of a judge of the county court of Lowndes county; Peter Williamson alone being in nomination. For Mr Williamson 56 votes.

Those who voted for Mr Williamson are messrs Abercrombie Anderson Edmond Evans George Hogan Moore Perry Pickett Smith Vining Walthall Wood. Reps. Acklen Baker Barclay Brafford Brodnax Brown Byrnes Cole Conner Craig Curtis Dale Dennis Durrett Ellis Flitt Flournoy Grigsby Hays Hester Hodge Horton Hudson Jack Jones Kagg Lane Lawler Massey Metcalfe Mims Mobley Moore Rather Richardson Ross Robinson Ship Smith Taylor Van Dyke Ward and Williams.

Peter Williamson having received all the votes present was declared to be duly elected judge of the county court of Lowndes county.

The two Houses then proceeded to the election of three members of the medical board established at Huntsville, Doctors Edward Pickett, Richard L. Fearn, and Alfred Moore being in nomination. Dr Pickett 54—Dr Fearn 51—Dr Moore 54.

Those who voted for Drs Pickett, Fearn and Moore are messrs Abercrombie Edmond-

son Garth Perry Pickett Smith Vining Walhall. Reps. Acklen Baker Barclay Bates Bradford Brodnax Brown Byrnes Cole Coopwood Curtis Dennis Durrett Ellis Fitts Flournoy Goldthwaite Grigsby Hays Hester Hodges Horton Jack Jones King Lane Lawler Ligon Massey Metcalfe Mims Mobley Moore Morrisett Murphy Rather Richardson Ross Roulston Ship Smith Taylor Ward Weissinger and Williams.

Mr Hogan voted for Drs Pickett and Moore. Mr Anderson voted for Drs Irby and Erskine. Mr Van Dyke voted for Drs Moore Irby and Erskine.

Doctors Edward Pickett, Richard L. Fearn and Alfred Moore having received a majority of votes were declared to be duly elected members of the medical board established at Huntsville.

The two Houses then proceeded to elect two members of the medical board established at Tuscaloosa, Dr Doric S. Ball and Dr Zachariah Merriwether being in nomination. For Dr Ball 55—Dr Merriwether 55 votes.

Those who voted for Drs Ball and Merriwether are messrs Abercrombie Anderson Edmondson Garth Hogan Perry Pickett Smith Vining Walhall. Reps. Acklen Baker Barclay Bates Bradford Brodnax Brown Byrnes Cole Coopwood Dale Dennis Durrett Ellis Fitts Flournoy Goldthwaite Grigsby Hays Hester Hodges Horton Jack Jackson Jones King Lane Lawler Ligon Massey Metcalfe Mims Mobley Moore Morrisett Murphy Rather Richardson Ross Roulston Ship Smith Taylor Van Dyke Ward Weissinger Williams.

Dr Doric S. Ball and Zachariah Merriwether having received a majority of votes were declared by Mr Speaker to be duly elected members of the medical board established at Tuscaloosa.

The two Houses then proceeded to elect two members of the medical board established at Selma, Dr Asa Hoxey and Dr Peter W. Herbert being in nomination. 57 votes each.

Those who voted for Drs Hoxey and Herbert are messrs Abercrombie Anderson Edmondson Garth Hogan Moore Perry Pickett Smith Vining Walhall Wood. Reps. Acklen Baker Barclay Bates Bradford Brodnax Brown Byrnes Cole Dale Dennis Durrett Ellis Flournoy Goldthwaite Grigsby Hays Hester Horton Hudson Jack Jackson Jones King Lane Lawler Ligon Massey Metcalfe Mims Mobley Moore Morrisett Murphy Rather Richardson Ross Roulston Ship Smith Taylor Van Dyke Ward Weissinger and Williams.

Drs Asa Hoxey and Peter W. Herbert having received a majority of the whole number of votes were declared to be duly elected members of the medical board established at Selma.

The two Houses then proceeded to elect three members of the medical board established at Claiborne, Drs Joshua S. Wilson, John W. Moore and Henry E. Curtis being in nomination. For Dr Wilson 57—Dr Moore 57—Dr Curtis 57.

Those who voted for Drs Wilson, Moore and Curtis are the same that voted in the election for members of the medical board at Selma.

Drs Joshua S. Wilson, John W. Moore and Henry E. Curtis having received a majority of the whole number of votes, were declared by Mr Speaker to be duly elected members of the medical board established at Claiborne. The elections being completed the Senate withdrew, to their own chamber.

Mr Rather from the select committee to which was referred the bill entitled an act to establish the boundary line between the counties of St Clair and Jefferson, and to repeal an act entitled an act to alter the boundary line of Jefferson county, reported the same without amendment, and that it is expedient to pass the said bill. Mr Brown moved that the bill be postponed until the first Monday in August next, which was lost. Mr Coopwood moved that the bill and report lie on the table until to-morrow morning, which was carried.

Mr Hudson moved that the House adjourn until to-morrow morning at half past 9 o'clock, which was carried. Yeas 25—Nays 21.

The yeas and nays being desired, those who voted in the affirmative are messrs Acklen, Baker, Barclay, Brodnax, Brown, Cole, Craig, Dale, Durrett, Ellis,

Flournoy, Hays, Hester, Horton, Hudson, Jack, King, Lane, Lawler, Metcalfe, Richardson, Roulston, Ship, Taylor, and Ward.

Those who voted in the negative are messrs Bradford, Byrnes, Coopwood, Dennis, Goldthwaite, Hodges, Jackson, Jones, Ligon, Massey, Mims, Mobley, Moore, Morrisett, Murphree, Rather, Ross, Smith, Van Dyke, Weissinger, and Williams.

And then the House adjourned.

Wednesday, January 20th 1830.

The House met pursuant to adjournment.

Mr Brodnax made the following report: The committee on enrolled bills have examined and found correctly enrolled a bill entitled an act to organize the county of Lowndes and for other purposes.

Ordered, that the House insist on their disagreement to the amendments made by the Senate to the bill entitled an act to discontinue and establish certain election precincts therein named, as relates to Pickens county. *Ordered*, that the House insist on their amendments to the bill as respects the precinct in Washington county. *Ordered*, that the House concur in the amendments made by the Senate to said bill as respects the county of Monroe. *Ordered*, that the House disagree to the amendments made by the Senate as respects Lauderdale county. *Ordered*, that the clerk acquaint the Senate therewith.

Mr Williams from the committee on public printing to which was referred the communication of McGuire, Henry and Walker, asking for additional compensation for extra printing during the present session of the Legislature, reported that no evidence has been furnished the committee whereby they could come to any correct conclusion, and therefore ask to be discharged from the further consideration of the same, which was granted.

Mr Taylor made following report:

The joint committee appointed by a resolution of the Senate and House of Representatives to examine the condition of the treasury department, beg leave to report: That they have examined the condition of that department, and the mode in which the business thereof has been conducted from the 12th of December 1821 to the 23d of December 1829, during which time John C. Perry was treasurer; that they have examined every document and compared them with the treasurers books and they are satisfied with their correctness: that the mode in which the affairs of the department have been administered is in every respect satisfactory to the committee, and that the skill and ability manifested by the treasurer in the discharge of his duties entitle him to the respect and confidence of this legislature and of the public.

W. J. EDMONDSON, *Chairman on part of the Senate.*

WM. TAYLOR, *Chairman on part of the H. Reps.*

In which report the House concurred.

The bill from the Senate entitled an act to require the purchasers of the lands of the United States to pay the occupants for the improvements thereon, which was read a first time. Mr Williams moved that the bill be indefinitely postponed which was lost. Yeas 18—Nays 24.

The yeas and nays being desired, those who voted in the affirmative are messrs Acklen, Bibb, Bradford, Ellis, Fearn, Forrest, Jack, King, Massey, Mims, Mobley, Moore, Morrisett, Penn, Robinson, Williams and Young.

Those who voted in the negative are messrs Brodnax, Brown, Byrnes, Clark, Coopwood, Craig, Dennis, Dorrett, Goldthwaite, Grigsby, Hester, Hodges, Hudson, Jackson, Jones, Ligon, Philpott, Rather, Richardson, Ross, Smith, Van Dyke, and Ward.

The bill was then ordered to a second reading to-morrow.

Mr Acklen made the following report: The committee on enrolled bills have examined and found correctly enrolled, a bill entitled an act making appropriations for the year 1830, which originated in this House.

Mr Ellis made the following report: The committee on enrolled bills have examined and found correctly enrolled an act to repeal an act to incorporate the town of Hazlegreen, in the county of Madison, passed June 15th 1821, and also the 12th section, and so much of the 15th section of an act to alter the time of appointing overseers of roads, passed 24th December 1824, as relates to the town of Hazlegreen, and an act to emancipate a female slave named Mariah, a part of the estate of the late Christopher McConnico, of the county of Monroe.

Mr Morrisett made the following report: The committee on enrolled bills have examined and found correctly enrolled, a joint memorial of the General Assembly of the State of Alabama to the Congress of the United States, in relation to forfeited lands within the State, and now advertised for sale by the proclamation of the President.

Ordered, that the House concur in the several amendments made by the Senate to the bill entitled an act the better to provide for the examination of the offices of the clerks of the circuit and county courts.

The bill from the Senate entitled an act to increase the capital stock of the Bank of the State of Alabama was read a first time. Mr Fearn moved that the bill be indefinitely postponed, which was lost. Yeas 16—Nays 30.

The yeas and nays being desired those who voted in the affirmative are messrs Bibb, Bradford, Cole, Coleman, Fearn, Forrest, Hester, Hudson, Jack, Morrisett, Penn, Philpott, Rather, Ross, Williams and Young.

Those who voted in the negative are messrs Baker, Banks, Brodnax, Byrnes, Clark, Coopwood, Craig, Dale, Dennis, Durrett, Flournoy, Goldthwaite, Grigsby, Hays, Hodges, Jackson, Jones, King, Ligon, Massey, Mims, Mobley, Moore, Richardson, Roulston, Russell, Smith, Taylor, Van Dyke and Weissinger.

The question was then on dispensing with the constitutional rule and lost. Yeas 28—Nays 21.

The yeas and nays being desired, those who voted in the affirmative are messrs Baker, Banks, Brodnax, Byrnes, Clark, Coopwood, Craig, Dale, Dennis, Durrett, Flournoy, Goldthwaite, Grigsby, Hodges, Jackson, Jones, King, Ligon, Massey, Mims, Mobley, Richardson, Russell, Smith, Taylor, Van Dyke, and Weissinger.

Those who voted in the negative are messrs Acklen, Bibb, Bradford, Cole, Coleman, Ellis, Fearn, Forrest, Hester, Hudson, Jack, Moore, Morrisett, Murphree, Penn, Philpott, Rather, Ross, Ward, Williams, and Young.

Mr Baker moved that the bill lie on the table, which was lost. Yeas 15—Nays 33.

The yeas and nays being desired, those who voted in the affirmative are messrs Baker, Bradford, Clark, Cole, Craig, Ellis, Flournoy, Forrest, Hays, Hester, Lawler, Penn, Taylor, Ward, and Young.

Those who voted in the negative are messrs Banks, Bibb, Brodnax, Coleman, Coopwood, Dale, Dennis, Durrett, Fearn, Fitts, Goldthwaite, Grigsby, Hodges, Hudson, Jack, Jackson, Jones, Ligon, Massey, Mims, Mobley, Moore, Murphree, Philpott, Rather, Robinson, Ross, Roulston, Russell, Smith, Van Dyke, Weissinger and Williams.

The bill was then ordered to a second reading to-morrow.

A message from the Senate by Mr Galle. Mr Speaker: The Senate concur in the report of the committee of conference appointed on the subject matter of disagreement between the two Houses in relation to the amendment made by the Senate to the bill entitled an act more effectually to prevent the circulation of what are termed change bills or tickets. They have read three several times and passed a bill which originated in the House of Representatives entitled an act to authorize the county courts

of Butler, Pickens, Shelby and Autauga counties, to cause certain records therein named to be transcribed.

A Message from the Governor, by James I. Thornton, which is as follows:

EXECUTIVE DEPARTMENT, JAN. 20th, 1830.

The Hon. the Speaker and members of the House of Representatives.

I have this morning received the resignation of Doct. Thomas Fearn, as trustee of the University of Alabama. I have the honor to be &c.

(Signed.)

GABRIEL MOORE.

Ordered, that said communication lie on the table.

A message from the Senate by Mr Gayle. Mr Speaker: The Senate adhere to the amendment by discontinuing the precinct at Jessee Lot's, in Mobile county, to the bill which originated in the House of Representatives entitled an act to discontinue and establish certain election precincts therein established; they recede from all their other amendments to said bill.

Mr Van Dyke offered the following resolution: *Resolved*, with the concurrence of the Senate, that the two Houses will convene in the Representative Hall forthwith to go into the election of a trustee of the university for the fifth judicial circuit, to fill the vacancy occasioned by the resignation of Thomas Fearn. Mr Coopwood moved to amend the resolution by striking out the word "forthwith" to insert at three o'clock, which was carried. The resolution as amended was then adopted. *Ordered*, that the clerk acquaint the Senate therewith.

A message from the Senate by G. W. Gayle. Mr Speaker: The Senate concur in the resolution to go into the election of a trustee of the University of Alabama, for the fifth judicial circuit, to supply the vacancy occasioned by the resignation of Thomas Fearn, at the hour of half past three o'clock.

Mr Acklen made the following report: The committee on enrolled bills have examined and found correctly enrolled, a memorial to the Congress of the United States, to procure the establishment of a land office at Monticello, in Pike county; an act for the relief of Henry Sossaman; an act to extend the time for final settlement of the accounts of the tax collector of Morgan county, and an act for the relief of Edmund Prince, all of which originated in the Senate.

The bill entitled an act to extend the jurisdiction of the State of Alabama over the Indian territory, lying within the limits of said State, and for other purposes, being on its second reading, Mr Ellis moved to amend the 1st section of the bill after the word "that" with the words "for the purposes of jurisdiction," which was lost. Mr Barclay moved to amend the 2d section by striking out all after the word "beginning" to insert the following: "on range line dividing range 2 and 3, where said line crosses the Tennessee river, thence south along said range line to the township line dividing townships 8 and 9, thence east along said township line to the top of the Racoon mountain, thence eastwardly along the summit of said mountain to the Georgia line, thence along said Georgia line to the Tennessee State line, thence along said Tennessee State line to the Tennessee river, thence down the river to the beginning, which was lost. Yeas 16—Nays 31.

The yeas and nays being desired, those who voted in the affirmative are messrs Acklen Barclay Clark Coopwood Ellis Horton Jones King Lawler Ligon Moore Penn Roulston Russell Smith and Williams.

Those who voted in the negative are messrs Baker Banks Bibb Bradford Brodus Cole Craig Dennis Durrett Fitts Flourney Forrest Goldthwaite Grigsby Hays Hudson Hedges Jack Jackson Massey McElderry Metcalfe Mims Mobley Morrisett Murphree Philpott Rather Ross Taylor and Young.

Mr Russell moved to strike out the 2d section, which was lost. Yeas 13—Nays 31.

The yeas and nays being desired, those who voted in the affirmative are messrs Acklen Barclay Clark Coopwood Ellis Jones King Moore Penn Roulston Russell Smith and Williams.

Those who voted in the negative are Messrs Banks Bibb Bradford Brodnax Brown Byrnes Cole Craig Dale Dennis Durrett Flournoy Forrest Goldthwaite Hays Hodges Hudson Jack Jackson Lawler Ligon Massey McElderry Mims Mobley Murphree Philpott Rather Ross Taylor and Young.

Mr Philpott moved to amend the 4th section by striking out the word "three" to insert the word "one," which was carried. Mr Flournoy offered the following amendment, viz: "junction of the Sipsey and Tombecbee rivers," which was carried. Mr Rather who voted in the majority on the adoption of Mr Flournoy's amendment, moved to re-consider the vote, which was carried. Yeas 31—Nays 13.

The yeas and nays being desired, those who voted in the affirmative are Messrs Baker Banks Bibb Bradford Cole Coleman Craig Dale Dennis Durrett Ellis Forrest Grigsby Hays Hudson Jackson Jones Lawler Massey Moore Murphree Philpott Rather Richardson Ross Roulston Russell Ward Williams and Young.

Those who voted in the negative are messrs Barclay Brodnax Brown Clark Flournoy Goldthwaite Hodges Jack Ligon Mobley Morrisett Smith and Weissinger.

The question was again on the adoption of Mr Flournoy's amendment, and lost. Mr Bibb moved to amend the bill by adding the following proviso at the end of the 8th section; "*provided*, that nothing contained in the preceding sections shall be so construed as to constitute the territory therein attached, to the several counties a permanent part of said counties, which was carried. Mr Ellis moved to strike out the 9th section, which was lost. Yeas 16—Nays 35.

The yeas and nays being desired, those who voted in the affirmative are messrs Bibb Brown Clark Cole Ellis Fitts Jones Moore Morrisett Philpott Rather Richardson Russell Smith Williams and Young.

Those who voted in the negative are messrs Baker Banks Bates Brodnax Bradford Byrnes Conner Coopwood Craig Dale Durrett Flournoy Forrest Goldthwaite Grigsby Hays Hester Hodges Hudson Jack Jackson Lawler Ligon Mardis Massey Mobley Murphree Parsons Robinson Ross Roulston Taylor Van Dyke and Weissinger.

Mr Clark moved that the bill lie on the table, which was lost. Mr Goldthwaite moved to strike out the word *January* to insert *February* in the 9th section, which was carried. Mr Ellis moved to strike out *three* and insert *two* in the 10th section, which was carried. Mr Bibb moved to strike out the 12th section, which was carried. Mr Goldthwaite moved to amend the bill with the following: Strike out 14, 15 and 17, and insert the following: Section. *And be it further enacted*, that the laws of this state, be, and the same are hereby extended over all the territory, in the possession of Indians within the chartered limits of this state, and the jurisdiction of the several courts in this state, and of justices of the peace, be, and the same is hereby extended to the aforesaid territory in the same manner as the same now exists, in the several counties, to which the said Indian territory is attached, which was carried. Yeas 26—Nays 21.

The yeas and nays being desired, those who voted in the affirmative are messrs Banks Bradford Brodnax Byrnes Coopwood Dennis Durrett Flournoy Forrest Goldthwaite Hays Hester Hodges Jack Jackson Lawler Ligon Mardis Robinson Ross Roulston Russell Smith Taylor Van Dyke and Ward.

Those who voted in the negative are messrs Barclay Bibb Brown Clark Cole Dale Ellis Fitts Grigsby Hudson Jones Massey Morrisett Moore Murphree Philpott Rather Richardson Weissinger Williams and Young.

Mr Goldthwaite moved further to amend the bill by adding thereto the following section: Section. *Be it further enacted*, that all Indians within the limits of this state shall be taxed the sum of — cents each, and the sum so raised by taxation, shall be expended in the establishment of a school or schools among them, as may hereafter be provided for by law, which was carried. Yeas 27—Nays 21.

The yeas and nays being desired, those who voted in the affirmative are Messrs Baker, Banks, Bates, Brodnax, Byrnes, Coopwood, Dale, Dennis, Fearn, Fairway, Goldthwaite, Grigsby, Hester, Hodges, Jack, Jackson, Lawler, Ligon, Mardis, Massey, Mobley, Murphree, Ross, Houston, Taylor, Van Dyke, and Weissinger.

Those who voted in the negative are Messrs Barclay, Bibb, Bradford, Brown, Clark, Cole, Durrett, Ellis, Pitts, Forrest, Hays, Hudson, Jones, Moore, Philpott, Rather, Richardson, Russell, Smith, Williams and Young.

Mr Goldthwaite moved that the constitutional rule be dispensed with and that the bill be read a third time forthwith, which was lost. Yeas 41—Nays 13.

The yeas and nays being desired, those who voted in the affirmative are messrs Baker, Banks, Barclay, Bates, Bradford, Brodnax, Byrnes, Coopwood, Dale, Dennis, Durrett, Fearn, Fairway, Forrest, Goldthwaite, Grigsby, Hays, Hester, Hodges, Hudson, Jack, Jackson, Lawler, Ligon, Mardis, Massey, McElderry, Mobley, Moore, Murphree, Oliver, Persons, Philpott, Rather, Ross, Houston, Russell, Smith, Taylor, Van Dyke and Weissinger.

Those who voted in the negative are messrs Bibb, Brown, Clark, Cole, Coleman, Conner, Ellis, Pitts, Jones, Morrisett, Richardson, Williams and Young.

Mr Goldthwaite moved that the bill be spread on the journal, which was carried. Mr Mobley moved that the bill be engrossed for a third reading to-morrow, which was carried. Said bill is as follows:

A BILL to be entitled an act to extend the jurisdiction of the State of Alabama over the Indian territory, lying within the limits of the State of Alabama, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, all the territory now inhabited by the Cherokee nation of Indians, within the limits of the State of Alabama, and included in the following boundary, viz: beginning at the source of Line Creek, upon the top of Racoon mountain, thence northeastwardly along the summit of said mountain, to the Georgia line, thence southeastwardly along the said line to the boundary line, dividing the Cherokee and Creek nations, thence westwardly along the said line, to the Coosa river, thence up the said river to the mouth of Will's creek, thence up said Will's creek to the mouth of Line creek; thence up said Line Creek to the beginning, shall be added to and compose a part of the county of St. Clair.

Sec. 2. *And be it further enacted*, That the territory in possession of the Cherokee nation of Indians, which is in the limits of the State of Alabama, and included in the following boundary, viz: beginning at the mouth of Short creek, thence up said creek east of Edward Cox's, thence northeastwardly along the summit of the Racoon mountain, to the Georgia line; thence with said line to the Tennessee river; thence down the same to the beginning, shall be added to and form a part of the county of Jackson.

Sec. 3. *And be it further enacted*, That the territory now inhabited by the Cherokee nation of Indians which is in the chartered limits of the State of Alabama and lies within the following boundary, viz: beginning at the north east corner of township nine, range one east; thence northeastwardly to the head of Shoal creek; thence up said Shoal creek east of Edward Cox's; thence southwardly to the line of Blount county; thence with said line to the beginning, shall be added to and compose a part of the county of Blount.

Sec. 4. *And be it further enacted,* That the territory now occupied by the Cherokee Indians within the chartered limits of the State of Alabama, and bounded as follows, viz: at the northeast corner of township nine, range three east; thence northwestwardly to the head of Shoal creek; thence down said creek to the Tennessee river, thence down said river to Coffee's Bluff to the present Indian boundary line; thence south with said line to Blount county; thence east to the beginning, shall be added to and form a part of the county of Morgan.

Sec. 5. *And be it further enacted,* That the territory now inhabited by the Chickasaw nation of Indians, within the limits of the State of Alabama, shall be added to and compose a part of the county of Franklin.

Sec. 6. *And be it further enacted,* That the territory occupied by the Choctaw nation of Indians within the State of Alabama, and lying north of a line drawn due west from the northwest corner of Greene county to the Mississippi State line, shall be added to and compose a part of Pickens county.

Sec. 7. *And be it further enacted,* That the territory now inhabited by the Choctaw nation of Indians within the chartered limits of the State of Alabama, and which lies north of a line drawn due west from a point on the Tombekbe river, directly opposite to the mouth of the Black Warrior river, to the Mississippi State line, and extending northwardly to a line drawn due west from the northwest corner of the county of Greene, to the Mississippi State line, shall be added to and compose a part of the county of Greene.

Sec. 8. *And be it further enacted,* That the territory now in possession of the Choctaw nation of Indians, within the limits of the State of Alabama, and which lies south of a line drawn due west from a point on the Tombekbe river, directly opposite the mouth of the Black Warrior, to the Mississippi State line, and extending southwardly to the northern boundary line of the county of Washington, shall be added to and compose a part of the county of Marengo.

Sec. 9. *And be it further enacted,* That the judges of the county courts and commissioners of roads and revenue, of the counties in which Indians occupy a part of the territory of such counties, shall, at the first terms of courts for such county or counties, held after the first day of February next, and as often thereafter as shall be necessary, appoint some fit person to take an enumeration and census of all such Indians as reside within the limits of such county or counties, and of all such other persons as may reside within said limits.

Sec. 10. *And be it further enacted,* That within thirty days after such enumeration shall have been taken, the persons taking the same shall make return thereof, to the office of the Secretary of State, and the person or persons performing such service, shall, for every day they or either of them have been necessarily employed in such service, be allowed and paid the sum of two dollars per day, each, for their time so employed, to be ascertained and certified to the Secretary of State's office, by the court of roads and revenue for the respective counties, to be paid out of any monies in the treasury not otherwise appropriated.

Sec. 11. *And be it further enacted,* That the county court and commissioners' court of roads and revenue of any county in which Indians occupy the territory or any part thereof, may construct such roads bridges and ferries as to said court shall appear necessary.

Sec. 12. *And be it further enacted,* That it shall not be lawful for the citizens of the State of Alabama, or any other person or persons citizens of the United States, or citizens or subjects of any foreign prince or power whatever, to settle upon or occupy any territory now in possession of any

nation or tribe of Indians, or within the agreed boundary of any Indian nation within the State of Alabama ; and if any person or persons shall presume to make such settlement, or to occupy any part of such territory, such person or persons shall be removed by the sheriff of the county in which such territory is situated ; and moreover, shall each forfeit and pay to the State of Alabama the sum of——dollars for each and every such offence, to be sued for and recovered in the name of the Governor for the time being, and his successors in office, by the solicitor who prosecutes for the State in such county, and such fine or fines shall constitute a part of the county fund. [NOTE —*This section was stricken out by the House.*]

Sec. 13. *And be it further enacted*, That this act shall not extend or be construed to extend, so as to compel Indians to muster or perform military duty, work upon roads or serve as jurors.

Sec. 14. *And be it further enacted, by the authority aforesaid*, That actions upon contracts, debt due and trover, may be brought and prosecuted against persons within the boundaries of any Indian nation, whose territory is within the limits of the State of Alabama, in the circuit court of the county or counties in which the defendant or defendants to such action may reside, and for such purposes the circuit courts of the proper county may have jurisdiction of all suits above twenty dollars. [Stricken out]

Sec. 15. *And be it further enacted*, That the circuit courts of the State of Alabama, of the proper counties, shall have jurisdiction of, and punish all crimes committed within the Indian territory, within the State of Alabama, by all other persons than Indians. [Stricken out.]

Sec. 16. *And be it further enacted*, That all persons residing within the territory occupied by Indians, and within the limits of Alabama, may, within the county of their residence, upon proof before the judge of the county court, or the clerk of the circuit court, in order to perpetuate testimony, have any bill of sale of negroes, or any bargain and sale or deed of gift or covenant recorded by the clerk of the county court, such person or persons paying to such judge or clerk, the fees now or hereafter to be allowed by law for the like service : and so in like manner, and to perpetuate the evidence, may be proved and recorded upon the application of the heirs or any person or persons, any last will and testament of any person or persons, residing within Indian territory in the State of Alabama.

Sec. 17. *And be it further enacted*, That the several nations or tribes of Indians residing within the limits of the State of Alabama, shall and may be governed by their own laws, usages and customs, not contrary to the provisions of this act, or laws hereafter to be passed or enacted by this State, having for their object and expressly providing for the government of the Indian tribes within the chartered limits of the State of Alabama. [Stricken out by the House]

The bill entitled an act to establish the boundary line between the counties of St Clair and Jefferson, and to repeal an act entitled an act to alter the boundary of Jefferson county, was, on motion of Mr Coopwood, laid on the table.

Mr Ligon made the following report : The committee on enrolled bills have examined and found correctly enrolled a bill entitled an act more effectually to prevent the circulation of what are termed change bills or tickets.

Ordered, that the House disagree to the amendment made by the Senate to the bill entitled an act making appropriation for the payment of certain claims against the state. Mr Hodges moved that the House disagree to the amendment made by the Senate by an allowance to —— Beacheum, which

was carried. Mr Rather moved that the House disagree to the amendment made by the Senate, by an allowance to — Blackstone. *Ordered*, that the House concur in the balance of the amendments made by the Senate to said bill.

And then the House adjourned to three o'clock this evening.

At three o'clock the House met pursuant to adjournment.

A message from the Senate by Mr Gayle: Mr Speaker—The Senate recede from their amendment to the bill entitled an act making appropriations for the payment of certain claims against the state, by adding section No. 24. They insist on their amendments to the bill by adding sections 25 and 11. *Ordered*, that the House recede from their disagreement, to the amendments made by the Senate to said bill.

A message from the Senate by Mr Gayle: Mr Speaker—The Senate have adopted the following resolution, and request the concurrence of your honorable body therein: *Resolved*, that a committee be appointed on the part of the Senate to act with such committee as may be appointed on the part of the House of Representatives to wait upon the Governor and inform him that the two houses of the General Assembly, will be ready to adjourn, and will adjourn *sine die* this evening at six o'clock, if he has no further communication to make to them. They have appointed on their part messrs. Perry and Wood. Mr Coopwood moved to amend the resolution by striking out *six o'clock*, to insert *eleven o'clock*, which was carried, whereupon messrs. Taylor and Young were appointed said committee.

On motion of Mr Fearn: *Resolved*, that the Senate be informed that this House is now ready to receive them in the Hall of Representatives to proceed to the election of a trustee of the university for the fifth judicial circuit. The Senate having repaired to the Hall of the House of Representatives, the two Houses then proceeded to the election of a trustee of the university to fill the vacancy occasioned by the resignation of Thomas Fearn, James G. Birney, Esq. being in nomination. For Mr Birney 56 votes.

Those who voted for Mr Birney are, Mr President Anderson Conner Crawford Edmondson Evans Logan Hubbard John Jackson Marriwether Moore Perry Smith Vinig Warhall and Wood. Repts. Acklen Baker Banks Bates Barb Bradford Broadnax Brown Burns Clark Cooper and Ellis Fearn Fatts Flournoy Godthwaite Hay Hester Hooges Jack Jones King Ligon Missey Means Mobley Moore Morrison Murphree Penn Phibbs Rather Richardson Ross Russell Smith Taylor Wessinger Williams and Young.

Mr Van Dyke voted for Tho. J. Sumner.

James G. Birney, Esq. having received a majority of the whole number of votes, was declared to be duly elected a Trustee of the University of Alabama, for the 5th judicial circuit.

The bill from the Senate entitled an act to change the time of holding courts in the first judicial circuit was read a first time, and the constitutional rule being dispensed with, it was read a second time, and the rule being further dispensed with, it was read a third time and passed. *Ordered*, that the clerk acquaint the Senate therewith.

Ordered, that the House concur in the amendments made by the Senate to the bill entitled an act to appoint commissioners to mark and lay out a certain road therein specified.

Mr Ligon, from the committee on enrolled bills, reported that they have examined and find correctly enrolled bills of the following titles, to wit: an act the better to provide for the examination of the offices of the clerks of the circuit and county courts of this state; and, an act to authorize the county courts of Butler, Pickens, Shelby and Autauga counties to cause certain records therein named to be transcribed.

The following communication was received:

Conference Chamber, 4 o'clock, Wednesday evening, Jan. 20, 1830.

Mr Speaker and gentlemen of the House of Representatives: The committee elected to investigate the controversy between the Hon. J. Gayle, jr. and the Hon. Joseph Bates, jr. respectfully inform your honorable body that the committee cannot, by the time appointed for the adjournment of the House, complete the examination with which they are charged and submit to the consideration of the House what ought to be done. Respectfully,

ENOCH PARSONS, *Chairman.*

To the Hon. the Speaker pro. tem. of the House of Reps.

A message from the Senate by mr Gayle: Mr Speaker—The Senate have concurred in the amendment made by your honorable body to the bill which originated in the House, entitled an act repealing in part an act passed at the annual session of the General Assembly for the year 1829, changing and designating the time of holding the circuit courts in the seventh and third judicial circuits for the state of Alabama.

Ordered, that the House concur in the amendments made by the Senate to the bill entitled an act to authorize the emancipation of certain slaves therein named.

The bill from the Senate entitled an act more effectually to secure trials in capital cases by impartial jurors, was read a first time, and the question was then on dispensing with the constitutional rule and reading this bill a second time forthwith, and lost. Yeas 26—Nays 20.

The yeas and nays being desired those who voted in the affirmative are messrs Baker Banks Bibb Bradford Brodnax Brown Clark Cole Dale Dennis Forrest Goldthwaite Hays Hedges Hudson Jackson Jones Massey Morrisett Murphree Philpott Rather Ross Smith Taylor and Weissinger.

Those who voted in the negative are messrs Acklen Barclay Byrnes Ellis Fearn Fitts Flournoy Jack King Ligon Mims Mobley Moore Parsons Penn Richardson Russell and Van Dyke.

The bill was then ordered to a second reading to-morrow.

The bill from the Senate entitled an act to incorporate the Tuscaloosa fire engine company, was read a second time, and the constitutional rule being dispensed with, it was read a third time forthwith. Mr Hudson moved to amend the bill by engrossed ryder, by way of proviso, which was carried. The bill was then passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the clerk acquaint the Senate therewith.

The bill entitled an act to revive and continue in force for 3 years an act for improving the road leading from Blakely to the upper line of Baldwin county, by way of Durant's; in Baldwin county, was read a second time, and the constitutional rule being dispensed with, it was read a third time, considered as engrossed, and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for concurrence.

Mr Ellis offered the following resolution: *Resolved*, that the committee appointed to investigate the controversy between Joseph Bates, a member from the county of Mobile, and John Gayle, the Speaker of this House, have authority to continue their investigation after the adjournment of the two Houses, if they shall not be enabled to complete the same before said adjournment, and that the evidence and report of said committee be published in the paper of the state printers.

A message from the Senate by mr Gayle: Mr Speaker—The Senate concur in the amendments made by your honorable body to the bill which originated in the Senate, entitled an act to incorporate the 'Tuscaloosa' fire engine company. They have also read three several times and passed a bill which originated in the House of Representatives, entitled an act to revive and continue in force for three years an act for improving the road

leading from Blakely to the upper line of Baldwin county, by way of Durant's, passed Jan. 6, 1827.

The engrossed bill entitled an act to permit John Lindsay to have registered a deed therein named, was read the third time and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

The bill entitled an act for the relief of William Winlock was read a second time, and the constitutional rule being dispensed with, the bill was considered as engrossed, read a third time forthwith and passed. *Ordered*, that the title be as aforesaid. *Ordered*, that the same be sent to the Senate for their concurrence.

Mr Clark moved that the House recede from their disagreement to the amendment made by the Senate to the bill entitled an act to discontinue and establish certain election precincts therein named, so far as relates to Mobile county, which was carried. Yeas 31—Nays 14.

The yeas and nays being desired those who voted in the affirmative are messrs Barclay, Brown, Byrnes, Clark Cole Coopwood Craig Dale Dennis Durrett Ellis Forrest Goldthwaite Hays Hudson Jackson Jones King Lawler Massey Moore Morrisett Murphree Richardson Ross Russell Smith Van Dyke Ward Weissinger and Williams.

Those who voted in the negative are messrs Banks Bates Bibb Bradford Brodnax Fearn Fitts Flounoy Hester Jack Ligon Mobley Penn and Rather.

The engrossed bill entitled an act to divorce certain persons therein named, being under consideration: the question was on the adoption of the amendment made by the Senate, and carried. Yeas 34—Nays 7.

The yeas and nays being desired those who voted in the affirmative are messrs Banks Barclay Bates Bibb Bradford Brodnax Byrnes Clark Coopwood Craig Dale Ellis Fearn Fitts Flounoy Forrest Hays Hester Jack Jackson King Mims Moore Morrisett Murphree Philpott Rather Richardson Ross Russell Smith Van Dyke Ward and Williams.—Those who voted in the negative are messrs Cole Dennis Durrett Jones Lawler Ligon and Weissinger.

And then the House adjourned to 7 o'clock this evening.

At 7 o'clock, the House met pursuant to adjournment. A message from the Senate by Mr Gayle: Mr Speaker—The Senate have concurred in the amendment made by your honorable body to the resolution which originated in the Senate, proposing to adjourn *sine die* on this day, at 6 o'clock, P. M. They have read three several times and passed bills which originated in the House of Representatives, entitled an act for the relief of Wm. Winlock; and, an act to permit John Lindsay to have registered a deed therein named.

Mr Ligon, from the committee on enrolled bills, reported the following bills as correctly enrolled: an act to divorce certain persons therein named; an act to appoint commissioners to mark and lay out a certain road therein named; and, an act to revive and continue in force for three years an act for improving the road leading from Blakely to the upper line of Baldwin county, by way of Durant's, passed Jan. 6, 1827.

The bill from the Senate entitled an act for the relief of Joseph Steele, tax collector of Mobile county, was read a second time. Mr Van Dyke moved to dispense with the constitutional rule and read the bill a third time forthwith, which was lost. Mr Van Dyke moved to amend the bill by striking out the word *first* to insert the word *fifteenth*, which was carried. Mr Clark moved that the bill lie on the table, which was carried.

Mr Taylor, from the joint committee appointed to wait on the Governor and inform him that the two Houses will be ready to adjourn at 11 o'clock on this night, reported that they have performed that duty, and received for answer that the Governor has no further communication to make. Mr Clark moved that the report lie on the table, which was carried.

Mr Ellis' resolution, introduced to day, being under consideration: Mr Ellis moved to amend the resolution, by striking out all after the word *resolved*, with a view to insert the following: That the committee of five members elected to investigate the conduct of John Gayle, Speaker of this House, relative to the truth or falsehood of certain statements made by said John Gayle, in relation to certain votes given by Mr Byrnes, a member of this House on the bill to close the land office at Courtland, have leave to continue their investigation for three days after the adjournment of the two houses, if they shall not be enabled to complete the same before said adjournment; and that the evidence and report of said committee be published to the paper of the state printers." Mr Brodnax moved to amend the resolution by way of the following proviso: "*Provided*, that the state shall incur no expense by the sitting of said committee, which was carried. Yeas 27—Nays 16

The yeas and nays being desired, those who voted in the affirmative are Messrs Baker, Banks, Barclay, Bradford, Brodnax, Brown, Clark, Cole, Craig, Dennis, Fearn, Hester Jackson, Jones, Lawler, Ligon, Mobley, Morrisett, Murphree, Penn, Philpott, Rather, Ross, Smith, Ward, Weissinger and Young. Those who voted in the negative are Messrs Bibb, Byrnes, Coopwood, Curtis, Dale, Ellis, Flournoy, Goldthwaite, Hays, Hodges, Jack, King, Mims, Richardson, Russell, Van Dyke and Williams. Mr Taylor was excused from voting.

Mr Morrisett moved that the further consideration of the resolution be indefinitely postponed, which was lost. Yeas 17—Nays 28.

The yeas and nays being desired those who voted in the affirmative are messrs Baker, Bibb, Brodnax, Brown, Cole, Craig, Fearn, Fitts, Jackson, Massey, Mobley, Morrisett, Murphree, Penn, Rather, Ross, and Ward.

Those who voted in the negative are messrs Barclay, Bradford, Byrnes, Clark, Coopwood, Curtis, Dale, Dennis, Durrett, Ellis, Flournoy, Goldthwaite, Grigsby, Hays, Hodges, Jack, Jones, King, Ligon, Mims, Philpott, Richardson, Russell, Smith, Van Dyke, Weissinger Williams and Young.

Mr Taylor was excused from voting. The question was then on the adoption of the resolution as amended, and carried. Yeas 28—Nays 15.

The yeas and nays being desired those who voted in the affirmative are messrs Barclay, Bradford, Brown, Byrnes, Clark, Coopwood, Curtis, Dale, Dennis, Durrett, Ellis, Flournoy, Goldthwaite, Grigsby, Hays, Hester, Hodges, Jack, Jones, King, Lawler, Massey, Mims, Richardson, Russell, Van Dyke, Weissinger Williams and Young.

Those who voted in the negative are messrs Bibb, Brodnax, Brown, Cole, Craig, Fearn, Fitts, Jackson, Mobley, Morrisett, Murphree, Penn, Rather, Ross and Ward. Mr Taylor was excused from voting.

Mr Williams offered the following resolution: *Resolved*, that the thanks of this House are due, and are hereby tendered to the Speaker of this House for the promptness, integrity and ability with which he has discharged the arduous duties of the chair during the present session.

Those who voted in favor of its adoption are messrs Barclay, Bradford, Brown, Byrnes, Clark, Cole, Coopwood, Curtis, Dale, Dennis, Ellis, Goldthwaite, Grigsby, Hays, Hester, Hodges, Jack, Jones, King, Lawler, Massey, Mims, Murphree, Philpott, Rather, Richardson, Ross, Russell, Van Dyke, Ward, Weissinger, Williams and Young.

Those who voted in the negative are messrs Baker and Craig.

Mr Ligon from the committee on enrolled bills reported that they have examined and found correctly enrolled bills of the following titles, to wit: an act to discontinue and establish certain election precincts therein specified: an act to change the time of holding courts in the first judicial circuit and an act repealing in part an act passed at the general assembly for the

year 1829, changing and designating the time of holding the circuit courts in the 7th and 3d judicial circuits for the State of Alabama.

Mr Brodnax made the following report: The committee on enrolled bills have examined and found correctly enrolled a bill entitled an act making appropriations for the payment of certain claims against the state.

Mr Banks, from the committee on enrolled, reported the following bills as correctly enrolled: an act to authorize the emancipation of certain slaves therein named; an act for the relief of Wm. Winlock; and, an act to permit John Lindsay to have registered a deed therein named.

A message from the Senate by Mr Lyon: Mr Speaker—The Senate have adopted the following resolution: *Resolved*, that the House of Representatives be now informed that the Senate have disposed of all the business before them, and are now ready to adjourn *sine die*.

Mr Coopwood moved that the resolution lie on the table for one hour, which was carried.

Mr Clark moved to postpone the orders of the day until to morrow, which was carried.

On motion of Mr Ligon: *Resolved*, that the Senate be informed that the House of Representatives will be ready to adjourn *sine die* in thirty minutes. *Ordered*, that the clerk acquaint the Senate therewith.

A message from the Governor by James I. Thornton: Mr Speaker—The Governor did, on this day, approve and sign the following bills: an act to establish the county of Lowndes; an act appointing commissioners to establish the line between the counties of Tuscaloosa, Greene and Pickens; an act to organize the county of Lowndes, and for other purposes; memorial to the Congress of the United States in relation to forfeited lands within the state, and now advertised for sale by the proclamation of the President; an act to appoint commissioners to mark out a road through that part of Pike county now occupied by the Creek Indians; an act more effectually to prevent the circulation of what are termed change bills or tickets; an act to repeal an act to incorporate the town of Hazlegreen, in the county of Madison, passed June 15, 1821, and also the 12th section and so much of the 15th section of an act to alter the time of appointing overseers of roads, passed Dec. 24, 1824, as relates to the town of Hazlegreen; an act to authorize the county courts of Butler, Pickens, Shelby and Autauga counties to cause certain records to be transcribed; an act the better to provide for the examination of the offices of the clerks of the circuit and county courts of this state; an act making appropriations for the year 1830; an act to emancipate a female slave named Maria, a part of the estate of the late Christopher McConnico, of the county of Monroe; an act to authorize the emancipation of certain slaves therein named; an act for the relief of Wm. Winlock; an act to divorce certain persons therein named; an act to appoint commissioners to mark and lay out a certain road therein specified; an act to discontinue and establish certain election precincts therein specified; an act to permit John Lindsay to have registered a deed therein named; an act to revive and continue in force for three years an act for improving the road leading from Blakely to the upper line of Baldwin county, by way of Durant's, passed Jan. 6, 1827. All of which originated in the House of Reps.

Mr Parsons made the following report: The committee who were elected to investigate the conduct of the Hon. John Gayle, Speaker of the House of Representatives, relative to the truth or falsehood of certain statements made by said Speaker, in relation to certain votes given by Mr Byrnes, a member of the House, on the bill to close the land office at Courland, beg leave to report, that they have examined the witnesses brought before them, as far as time has allowed, and that both parties desire to progress with further evidence; and the committee, within time the House

has set for final adjournment, cannot do more than submit the evidence taken, with the opinion, that there is nothing shewn by the evidence, or in the matter of controversy, which tends to affect the official acts, or public discharge of any of the duties of the Hon. Speaker, and that they regard the controversy as a private one, all of which is respectfully submitted to the House. [Signed.]

E. PARSONS *chairman*. C. D. CONNER, S. W. MARDIS, S. C. OLIVER, T. M'ELDERRY. Attest, *George N. Stewart*, secretary of the committee.

Mr Coopwood moved that the report lie on the table, which was lost. Mr Mobley moved that the evidence taken before the committee be spread on the journal, which was carried.

THE EVIDENCE IS AS FOLLOWS.

Tuesday morning, Jan. 19, 1830—The select committee elected by the House of Representatives, to which was referred the resolution, concerning the conduct of the Hon. John Gayle, speaker, &c., assembled in the conference chamber, to consider of the subject referred to them:—were present, messrs

PARSONS, CONNER, MARDIS, OLIVER, and M'ELDERRY.

All being present, the committee proceeded to business.

Mr Parsons was appointed chairman of the committee; G. N. Stewart, appointed Secretary, and James Rather messenger and doorkeeper.

The following documents, being those referred by the House of Representatives were then read, to wit: [Note.—The documents alluded to are spread at large on the journal of the 18th inst.

The committee then proceeded to examine the journals of the House of Representatives of the present session, and they found that on the 17th of Nov. 1829, Mr Fearn, of Madison county, introduced a bill to be entitled an act to suspend to sale of the land granted to the State of Alabama for the purpose of internal improvement, which was then read in the House the first time; that then the same gentleman made a motion to suspend the constitutional rule requiring bills to be read on three several days, so that the bill might receive its second reading forthwith: That upon said motion the yeas and nays were taken, and that in the vote as recorded, the name of Mr Byrnes of Mobile, is found as voting against the suspension of the rule. That then the said bill was ordered to be read a second time on the next day, but on that question the yeas and nays were not taken. They further found that afterwards, when the yeas and nays were taken at subsequent stages of the progress of the bill, Mr Byrnes uniformly voted with its friends; that he voted in the affirmative on the question to suspend the constitutional rule, when the bill was ordered to a third reading, and also on the final passage of the bill.

The committee then addressed a note to the hon. John Gayle, jr. Speaker, and one to the hon. Joseph Bates, jr. informing them that they were ready to hear any evidence they might wish to submit on the subject under consideration.

And then the committee adjourned till 3 o'clock.

Tuesday evening, 3 o'clock—The committee met pursuant to adjournment, all the members being present.

The committee received a note from Mr Bates, which is as follows.

House of Representatives, Jan. 19, 1830.

To the Honorable Enoch Parsons. SIR—I received your note signed officially as chairman of the committee of investigation, informing me that your committee was ready to examine such witnesses as the Honorable Speaker and myself may propose. In reply to that note suffer me to observe, that I have not placed myself in the attitude of the accuser of the Honorable Speaker before the House of Representatives. Before that body I have preferred, and intended to prefer no accusation against him; and the interposition of the House of Representatives was called for by him, and not by me; and the publication in the newspaper, the subject matter of your investigation, was induced by the attack made on my reputation by the Speaker through the same newspaper. The facts stated in my reply, and the testimony in support of it, I believe to be true; and not having heard that any part of that testimony has been disclaimed by the Hono-

able gentlemen who gave it, I humbly conceive it should be received as conclusive by your committee, until the contrary appear. This answer has been dictated as well by a regard to my own opinion of propriety, as by a determination not to suffer the honorable Speaker to place me in any other attitude, than that in which I have placed myself.

Respectfully,

J. BATES, JR.

Which was read.

Mr Gayle appeared before the committee, assisted by James Davis, Esq. as counsel, and Mr Bates also appeared, attended by John Elliot, Esq. and Robert G. Gordon, Esq. as counsel.

The committee informed mr Bates that he was at liberty to offer any evidence he might think proper before the committee, to which he answered, that he should decline to offer any at this time, for the reasons stated in his letter.

Mr Gayle then moved that the committee should determine that they would report that the charges against him made by mr Bates, were untrue, inasmuch as there was no evidence offered by him to substantiate them; stating to the committee, that he conceived such was the course they were bound to pursue. That, however, he, on his part, would proceed, if permitted, to offer testimony on his behalf to exculpate himself, and that such was his intention at all events, but that the legal investigation of the committee was at an end.

The committee determined, that, by the reference to them made, they were bound to go on to investigate the matter, so far as they could obtain any information or evidence, growing out of the papers submitted to them by the House, that they would hear any evidence offered on either side, but if none was offered, they would call before them the persons referred to in the several publications in the papers, so far as to establish material facts, that such was the duty imposed on them by the House.

Mr Gayle then proposed to the committee the three following specific questions: 1st. Is mr Bates bound to produce proof? To which the committee answered that he was not. 2d. Is mr Gayle bound to produce proof? To which they answered, that he was not. 3d. Is the committee bound to proceed, after mr Bates declines producing proof? To which they answered, that they were. To which several decisions mr Gayle excepted.

The committee then determined to proceed to examine such witnesses as might be material to establish how mr Thomas Byrnes, the member from Mobile county, voted on the bill to close the land office at Courtland, on the day it was introduced in the House of Representatives, and mr Byrnes was accordingly sent for. Mr Byrnes appeared, was lawfully sworn, and examined by the committee.

Question, by the committee. Will mr Byrnes please to state, which way he voted on the first day the bill to close the land office at Courtland was introduced in the House of which he is a member, when the bill was ordered to a second reading?

Answer. I voted for the bill to go to a second reading, and from that time throughout, I voted for the bill and in favor of its passage.

No further questions being asked of mr Byrnes by the committee, nor by mr Bates or mr Gayle, he withdrew.

The committee then determined that they would proceed no further on their part with the examination of witnesses, that mr Bates might introduce rebutting testimony on his part, if he thought proper, in the first place, and that mr Gayle might also introduce proof afterwards, if he thought fit.

Mr Bates then asked leave to examine mr James Penn, a member of the House from Madison county, who was accordingly sent for, appeared, and was lawfully sworn.

Quest. by mr Bates' counsel, to mr Penn. Have you heard mr Byrnes say any thing in relation to his vote on the bill to close the land office at Courtland, and mr Bates' account of his said vote? if you have state it?

Ans. On yesterday, in a conversation between mr Byrnes and mr Metcalfe, on the subject of his vote spoken of by mr Bates, I distinctly understood mr Byrnes to say, that there was no difference betwixt mr Bates and himself, that he did vote against the bill on the first day, and in favor of it on the second.

Mr Penn was then cross examined by mr Gayle's counsel.

Quest. 1. Did you understand from that declaration that mr Byrnes intended to be understood as saying that he gave any other vote against the bill besides the one he gave to suspend the rule, and did he not so qualify his expression?

Ans. I can not say how mr Byrnes intended to be understood; he did not so qualify the expression.

Quest. 2. In the conversation, did mr Byrnes say any thing about his vote to pass the bill to a second reading? *Ans.* He did not.

Quest. 3. In what manner was this conversation brought about, and was there any arrangement by mr Bates to extort or procure from mr Byrnes an expression favorable to him?

Ans. the conversation arose immediately after or during the time the clerk was reading Mr Bates' communication, and the accompanying certificates, without the knowledge, so far as I am apprised, of mr Bates.

Mr Penn was then asked the following question by one of the committee:

Quest. Do you know how mr Byrnes voted when the bill referred to was ordered to a second reading? *Ans.* I do not know positively.

Here the examination of mr Penn closed, and he retired.

Mr James Metcalfe, a member of the House from Marion county, was then sent for at the instance of mr Bates; he appeared, and was lawfully sworn, and examined by mr Bates' counsel.

Quest. 1. Have you heard mr Byrnes say any thing in relation to his vote on the bill to close the land office at Courtland, and mr Bates' account of his said vote? If you have, state it?

Ans. I heard mr Byrnes say on yesterday, that he voted on the first day that the bill was introduced against it, and on the second day that he voted in favor of it.

Quest. 2. Do you not know the same fact yourself?

Ans. I know that mr Byrnes voted on the first day with the enemies of the bill, though I do not know how often, or in what vote or votes, and I am not positive that he did vote with the enemies of the bill on every vote that was taken that day.

Quest. 3. Did not the conversation to which you allude in your answer to the first interrogatory, take place on yesterday in the House, immediately after the publication of mr Bates were read by the clerk of the House? *Ans.* It did.

Quest. 4. Did not mr Byrnes say, that mr Bates' account of his vote was correct? *Ans.* I am not certain whether he did or did not.

Mr Metcalfe was then cross examined by the counsel of mr Gayle.

Quest. 1. Was this the conversation you had when mr Penn was present, and did you understand mr Byrnes to mean any thing more, than that he voted not to suspend the rule?

Ans. Maj. Penn was present, and I understood mr Byrnes that he voted against the bill on the first day throughout.

Quest. 2. If you understood him to say he voted against the bill throughout on the first day, what expression did he use to produce that understanding?

Ans. He said he voted against the bill on the first day, and on the second day he voted for it. And the committee adjourned to 8 o'clock in the evening.

Tuesday evening, 8 o'clock. The committee met pursuant to adjournment. Were present, messrs Parsons, Conner, McElderry, and Oliver. The committee resumed the examination of the evidence offered by mr Bates.

Mr John Fitts, the member from Washington county, was sent for at the request of mr Bates; appeared, was duly sworn, and examined by mr Bates' counsel.

Quest. 1. Do you know how mr Byrnes voted on the bill to close the land office at Courtland, during its progress through the House?

Ans. I am confident that mr Byrnes voted against the bill to close the land office at Courtland, during the whole of the first day, and that he voted for it always afterwards.

Quest. 2. Did you ever hear mr Byrnes state how he voted on said bill?

Ans. I did not.

Quest. 3. Did you, during the progress of said bill, endeavor to effect a change in the votes which mr Byrnes might subsequently give on it.

Ans. I did immediately after the House adjourned proceed to the room of Maj. Hogan, told him that mr Byrnes voted against the bill, and that I thought he should talk to him with a view of effecting a change, as I believed he would thereby advance the interest of his constituents.

Quest. 4. Did you closely observe the votes that mr Byrnes gave on said bill, and why did you do so?

Ans. I did, because I was somewhat surprised that he should vote against the bill, and because I was previous to that acquainted with him, and quite friendly, and therefore believed I could have some influence with him on having a conversation with him.

Mr Fitts was then cross examined by the counsel of mr Gayle.

Quest. 1. How many questions were taken on the bill the day it was introduced?

Ans. I am not distinct in my recollection of how many votes were taken on the bill the first day it was introduced.

Quest. 2. Do you think there were more than two?

Ans. I conceive this interrogatory answered in the first; I cannot recollect.

Quest. 3. Do you think there was more than one? *Ans.* I think there was.

Quest. 4. What were they?

Ans. To dispense with the constitutional rule, requiring bills to be read on three several days, and on the bill's receiving a second reading.

Quest. 5. Was there any opposition by the enemies of the bill to its going to a second reading?

Ans. My recollection as to there being opposition to the bill going to a second reading, is not distinct enough to swear, though I believe there was.

Quest. 6. Before the bill was ordered to a second reading, had you any doubt that there was a large majority in its favor?

Ans. I think my impression was, that there was a majority in favor of it.

Quest. 7. Do you remember whether you felt any doubt that the bill would be ordered to a second reading?

Ans. I do not recollect particularly, though as above stated, I thought there was a majority in favor of the bill.

Quest. 8. If the bill was of such importance as to excite the solicitude you express do you not think you would have been as apt to notice the majority in its favor, as you would to notice how mr Byrnes voted?

Ans. Whether I should have been as apt to notice the majority in its favor, as mr Byrnes' vote, from the importance of the subject or the solicitude I felt, might depend on many other circumstances, though I will answer it is probable.

Quest. 9. Is your recollection as distinct now about the majority, as it is about Byrnes' vote?

Ans. My recollection is distinct that Mr Byrnes voted against the bill. I am also confident that I believed there was a majority in its favor. I do not pretend to say how large I thought that majority would be.

Quest. 10. Do you remember whether the ayes and noes were taken on the question to order the bill to its second reading?

Ans. I have not a distinct recollection whether the ayes and noes were taken. My recollection is not distinct as to the different votes which were taken, but I am certain that in all that were taken. Mr Byrnes voted with the opponents of the bill.

Quest. 11. Did not mr Coopwood in his argument, insist that the bill ought to be permitted to go to its second reading in the usual way, and did it not so pass to its second reading in the usual way?

Ans. I think mr Coopwood did insist that the rule should not be dispensed with, and that the bill should be permitted to go to its second reading in the usual way; I also think he opposed it, when on its passage to a second reading.

Quest. 12. Is your impression as strong that Mr Coopwood voted against the bill passing to a second reading, as that mr Byrnes so voted?

Ans. It is. I believe they voted together during the first day.

Quest. 13. How far was your seat from that of Mr Byrnes?

Ans. I cannot state the distance exactly, but I suppose between fifteen and thirty feet.

Quest. 14. Is not the vote which mr Byrnes gave on suspending the rule, the circumstance that induced the belief on your mind, that he voted generally against the bill? and if there is any other state it?

Ans. I have before stated that my recollection of the different votes taken was too indistinct, to state the manner in which they were taken, though I am sure there were others beside the one on suspending the rule, which told me he voted against the bill.

Quest. 15. Have you a clear recollection that he voted against the bill going to a second reading particularly?

Ans. I have before stated that I believed there was opposition to the bill in every stage of its progress through the house, and that mr Byrnes voted with the opposition during the first day. I further state that I have not a distinct recollection whether there was opposition to its going to a second reading, but believed, as before stated, that there was, and that mr Byrnes voted in the opposition.

Here the examination of mr Fitts closed. And the committee adjourned till to-morrow morning at $\frac{1}{2}$ past nine o'clock.

Wednesday morning, January 20th, 1830. The committee met pursuant to adjournment, all the members being present. The committee proceeded in the examination of the evidence offered by mr Bates. Mr A. C. Horton, a member of the House from ——— county, was called at the instance of mr Bates, appeared, was duly sworn, and examined by mr Bates' counsel.

Question 1. Do you know how mr Byrnes, the Representative from Mobile county, voted on the bill to close the land office at Courtland? If you do state it particularly through all the stages of the bill.

Answer. Mr Byrnes voted against the dispensing with the rule, requiring bills to be read on three several days, and I think voted against the bill's going to a second reading. Mr Byrnes inquired of me what Dr Fearn's views were in introducing the bill to close the land office, which inquiry was after the introduction of the bill, and before any vote was taken. My answer was, I believe the cause of the introduction of the bill was to make a forfeiture of the donation that thereby the lands might be brought into market under the auction system, so as to permit those people of Huntsville or Madison to speculate on the wants of the people, as they had done for the last seven or eight years. Mr Byrnes then observed, if that was the case he would vote against the bill. I believe those were the causes which induced him to give the vote he did on the first day. I asked him on the second day why he had deserted us. He said he had been informed that it was merely to close the office to have an investigation of the conduct of the commissioners, and that the office would then be opened again. After the first day he voted in favor of dispensing with the rule, saying that the bill would pass, and he wanted to get clear of it as quick as possible, and I think voted for the bill on all other questions.

Quest. 2. What did you hear mr Byrnes say in relation to his vote on said bill on the day before yesterday, when the publications of mr Bates were read in the House, and ordered to be spread upon the journals?

Ans. There were four or five of us standing together by the fire, arguing whether it was a fit subject to be brought before the committee. I observed that I thought it was, as the Speaker had called on the House to have the subject investigated, I for one should vote for it, I did not feel willing to give a certificate and shrink back from the investigation, it would give the world room to say that we had given certificates and were not willing to have them investigated, that I had never given a certificate but what I believed to be correct. As well as my recollection serves me, mr Byrnes observed that my certificate was correct.

Quest. 3. Did or did not mr Byrnes state that there was no difference between the facts and mr Bates' statement?

Ans. I cannot recollect more than I have stated in answer to the second question.

Quest. 4. Does the certificates which you gave, and as read in the House, contain a true statement of the facts as they occurred?

Ans. As well as my recollection serves me, it does.

Quest. 5. Did mr Byrnes vote with you, or against you? state how many times each way.

Ans. I do not recollect how many times. I think he voted twice with me against the suspension of the rule, and against the second reading. I think the balance of the time, he voted against us. I voted against the bill in every shape, even to the title.

Mr Horton was then cross examined by mr Gayle's counsel.

Quest. 1. Is your belief that mr Byrnes voted against the bill's going to a second reading, founded on the conversation you had with him, and his vote against suspending the rule? *Ans.* It is.

Quest. 2. State the manner in which mr Bates applied to you for your statement which he has published, and whether he did not conceal from you his intention of assailing me in the newspapers.

Ans. Mr Bates applied to me to know if I knew how mr Byrnes voted with regard to the bill closing the land office at Courtland. I replied I thought I did. I then stated to him in the manner I have before stated to the committee, and in my certificate, he told me the reason why he wanted to know, Col. Hogan and himself differed in their statements. He never intimated to me that he intended the certificate for publication until some short time

after he had obtained the certificate. I knew nothing of a difference existing between him and the Speaker.

Quest. 3. When mr Byrnes said that your statement was correct, in the conversation had, when the house was considering on the propriety of the investigation, did he say any thing about his vote on the bill being ordered to a second reading?

Ans. He merely observed that my certificate was correct, and they could make nothing of it; all that he minded was that Ligon and others were trying to put him down. The counsel of mr Bates objected to so much of the witnesses' answer as states mr Byrnes' opinion that Ligon and others intended to put him down, as irrelevant to the subject matter of investigation by the committee. Mr Gayle's counsel insisted on the answer being put down, because it would shew that mr Byrnes was on his guard, and did not intend to admit any thing further than that he voted against suspending the rule. The committee decided that all that mr Byrnes said at that time and place should be heard, and the objection of mr Bates' counsel was overruled. Mr Horton was then re-examined by mr Bates' counsel.

Ques. How far were you sitting from mr Byrnes when he inquired of you the object of the bill and gave the first vote thereon?

Ans. He was sitting immediately adjoining me, at the next desk, when the vote to suspend the rule was taken, and I think he was also when the vote for the second reading was taken, but I do not recollect distinctly. When the vote was taken to suspend the rule I recollect nodding to mr Byrnes to oppose it. And here the examination of mr Horton ended. Mr Bates here closed the testimony on his part for the present. Mr Gayle then commenced the examination of the witnesses on his part. Tho. Fearn, a member of the House from Madison county, was sent for at the instance of mr Gayle, appeared, was lawfully sworn, and was examined by mr Gayle's counsel.

Quest. 1. Have you a distinct recollection of the vote which Mr Byrnes gave, when the bill to close the land office at Courtland, was ordered to a second reading?

Ans. I have no distinct recollection at this time, of any particular vote given by mr Byrnes upon the bill for closing the land office at Courtland.

In addition to the above, mr Fearn's answer, as written by him after the word "Courtland," was as follows: The impression, however, left upon my mind, and which has remained unchanged, was that mr Byrnes was opposed to the bill on the first day, and in favor of it on the subsequent readings. These impressions were founded upon the votes of mr Byrnes in relation to that bill but at this distance of time, I am unable to recollect with distinctness, the votes of that gentleman upon all the questions, or upon any particular one which arose. Indeed, if the yeas and nays had not been called upon any question, I cannot conceive it possible to recollect, or even know the vote of any particular member, unless attention had been fixed upon him.

To this latter part of mr Fearn's answer, mr Gayle's counsel objected, on the ground that it was not legal evidence, and prayed the committee to reject it. The committee determined that it was no legal evidence, and excluded it. To this decision of the committee mr Bates by his counsel excepts.

Ques. 2. How far was your seat from that of mr Byrnes when the said bill was ordered to a second reading?

Ans. I do not recollect whether I was upon the floor or occupying my my seat; I believe mr Byrnes was in his usual seat, which was at some distance from the seat which I occupied, or the part of the floor on which I stood if on the floor.

Ques. 3. Have you any knowledge from mr Bates, or otherwise, that he instructed the editor of the Mobile Register, or any other person, not to let

his publication appear, till after the adjournment of the legislature? *Ans.* No.

Mr Fearn was then cross examined by mr Bates' counsel.

Ques. 1. Does the statement you made in relation to mr Byrnes' vote on the law closing the land office at Courtland in the house on the first day, and as read on the day before yesterday in the House, correspond with the truth? Mr Gayle's counsel objected to this question as being improper, and the committee was of that opinion, and did not permit it to be answered.

Ques. 2. Did you not hear Mr Bates express considerable anxiety that his newspaper publication should arrive before the adjournment of the Legislature? *Ans.* I do not recollect. And here the examination of mr Fearn ended. The committee then adjourned till 3 o'clock in the evening.

Wednesday evening, 3 o'clock.—The committee met pursuant to adjournment, all the members being present. The committee resumed the examination of the witnesses of mr Gayle. Mr Thomas Coopwood, a member of the house from Lawrence county, was sent for, appeared, was duly sworn, and examined by the counsel of mr Gayle.

Ques. 1. Have you any knowledge of the vote which mr Byrnes gave when the bill to close the land office at Courtland was ordered to a second reading? and if you have, state the circumstances which make you remember it.

Ans. I well recollect the vote of mr Byrnes, on ordering the bill to close the land office, to its second reading. I sat near him on the left, and his vote against the motion to dispense with the constitutional rule that requires all bills to be read on three several days, had raised some hope in my mind that he would perhaps vote against its passage, but he, to my surprise, when the question was taken on ordering the bill to a second reading, voted in the affirmative. I turned to him and said, Byrnes, are you going to vote against me, he replied I only wished him to vote against dispensing with the rule.

Ques. 2. Did you complain to Mr. J. Hubbard on the day on which the bill was introduced, that mr Byrnes had turned against you?

Ans. I think in a conversation with mr Hubbard the evening after the bill was introduced, I told mr Hubbard that Byrnes voted to order the bill to a second reading. Mr Coopwood was then cross examined by mr Bates' counsel.

Ques. 1. On what day of the session was the bill, about which you certify introduced? and at what distance did you set from mr Byrnes?

Ans. I think the bill was introduced the second day of the session. I sat three or four feet from mr Byrnes.

Ques. 2. Are you certain that it was on ordering the bill to a second reading, and not on the second reading of the bill, that mr Byrnes first voted against you? *Ans.* I am certain that it was on the question ordering the bill to a second reading.

Ques. 3. Did you not, at one time believe, that mr Byrnes was opposed to the bill? *Ans.* I at one time did hope that mr Byrnes would vote against the bill. This hope was raised as I have stated from the circumstance of his voting against the motion to dispense with the rule.

Ques. 4. Have you a distinct recollection of the number of questions taken on the bill on the first day? if you have, state what they were. State also, as well as you recollect, how mr Byrnes voted on each. *Ans.* I have a distinct recollection that two questions were taken; one to dispense with the rule, the other on ordering the bill to a second reading. Mr Byrnes voted on the first in the negative, and on the second in the affirmative.

Ques. 5. Do you recollect whether any other questions were put on said bill, on the first day? *Ans.* No other question would have been in order, except to lie on the table, or postpone, and I am certain that neither of these motions were made. Mr Coopwood's examination here closes.

The committee here suspended for the moment, the examination of the

witnesses, and addressed a note to the House of Representatives; (which may be seen by examining a previous part of the journal of to-day, 20th January.)

The committee then resumed the examination of mr Gayle's witnesses.

Mr David Hubbard, Senator from Lawrence county, was called, he appeared, was sworn, and examined by mr Gayle's counsel.

Quest. Have you any knowledge of facts that induce you to believe mr Byrnes voted in favor of the bill going to a 2d reading? and if so, state them.

Mr Hubbard wrote his answer to said question, which answer was objected to by mr Bates' counsel, as illegal evidence; and the committee sustained the objection, and the answer was set aside; to which determination of the committee mr Gayle excepted. [The answer of mr Hubbard, and which was rejected, was as follows:]

In a conversation with mr Coopwood, and the first I recollect to have had with him after the bill closing the land office was introduced, I made inquiry as to whom he could rely upon in the House as aid in opposing its passage; he said he had no hope; that a few members, besides those from counties wherein the relinquished lands were situated, had voted against the suspension of the rule of the House and passing the bill forthwith; and that, of those who voted with him on that vote, most of them abandoned him on ordering the bill to a second reading. He mentioned particularly, the name of mr Byrnes, the member from Mobile, who, he said, had first voted with him, and then abandoned him. The measure struck my mind as a most extraordinary one, and I inquired if he had called for the ayes and noes; he replied that he did not, and that it was useless. In his expressions about mr Byrnes he stated that Byrnes was close to him, and he appeared to think that the very great vote on the attempt to suspend the rule had produced an impression upon those who might otherwise have opposed the bill, which made them cease their opposition and go with the majority. He also expressed fears that undue persuasion had been used. This conversation about ordering the bill to a second reading, grew out of my complaining of mr Coopwood for not taking the ayes and noes on that question; and after stating what has been recited, he remarked that it was useless, that the vote was so unanimous against him, he believed a call for the ayes and noes would only prejudice his side of the question.

Mr Henry Goldthwaite, a member of the House from Montgomery county, was then called, he appeared was duly sworn, and was questioned by mr Gayle's counsel.

Question Was any attempt made by mr Bates to dissuade you from being a member of this committee?

Mr Goldthwaite wrote his answer, which was objected to by mr Bates' counsel as irrelevant testimony and improper evidence; the objection was by the committee sustained, and the answer was excluded. To which decision of the committee mr Gayle's counsel excepted. The answer of mr Goldthwaite was as follows: (Mr Bates did never attempt to dissuade me from being a member of this committee; on the day the committee was raised, before the election, Gen. Taylor came and informed me it was mr Bates' wish that I would not serve on the committee. I immediately replied, I would not. Mr Taylor has since informed me, in answer to my inquiries, that mr Bates did not request him to dissuade me from being on the committee, but that he mentioned the subject of his own accord.)

The committee then adjourned till 7 o'clock at night.

Wednesday night, 7 o'clock—The committee met pursuant to adjournment, all the members being present. Mr Jesse W. Garth, Senator from Morgan county, was sent for by mr Gayle's request; he appeared, was duly sworn and examined by mr Gayle's counsel.

Question. Have you any recollection how mr Byrnes voted, when the bill to close the land office at Courtland, was ordered to a second reading in the House of Representatives?

Ans. Mr Garth states that he was in the lobby of the House of Representatives, that Mr Byrnes' back was to him, that he saw Mr Coopwood conversing with him when the question was pending dispensing with the rule requiring bills to be read on three several days, that Mr Byrnes voted against dispensing with the rule, Mr Coopwood smiled, that he was attending observing the votes upon a motion to give the bill a second reading, that Mr Byrnes' back was to him and that he could not tell how he voted, but Mr Coopwood looked at Byrnes and appeared disappointed.

Mr Garth was then cross examined by Mr Bates' counsel.

Ques. Do you know of your own knowledge, how Mr Byrnes voted on the motion to order the bill to close the land office at Courtland to a second reading, or did you hear the vote of Mr Byrnes on that occasion?

Ans. I do not.

Mr Charles D. Conner, member of the House from Marengo county, and member of the committee, was called upon by Mr Gayle to give evidence on his behalf, and was sworn.

Question by Mr Gayle. Have you examined my statement in the Commercial Register of the 28th Dec., 1829. and is the opinion I there express of the conduct of Mr Byrnes, the same with the one you entertain on the same subject? This question was objected to by Mr Bates' counsel as being an improper one. Mr Gayle stated that it was his desire to propose the same question to Mr Dale, Mr Richardson and Mr Mims, as well as to Mr Conner. The committee determined that the question was an improper one, and that it was inadmissible. To which decision Mr Gayle excepts. Mr John B. Hogan, Senator from Mobile, was then sent for by Mr Gayle's request, he appeared, was duly sworn, and examined by Mr Gayle's counsel.

Question 1. Did Mr Fitts have any conversation with you as to the course pursued by Mr Byrnes on the day the bill to close the land office at Courtland, was introduced in the House of Representatives, and what did he say?

Ans. I believe he did, as well as my recollection serves me he called at my room after the adjournment of the House and mentioned in rather a complaining manner, that Mr Byrnes voted with Mr Coopwood, against the suspension of the rule, and I think he felt somewhat warm on the subject. I replied to him that it was a new business with Mr Byrnes and I would speak to him, and had no doubt that when he understood the necessity of forwarding the bill, that he would go right.

Ques. 2. Has Mr Byrnes not uniformly said he voted for the bill on all questions but the one to suspend the rule, and have you not frequently heard him so declare in my room and in my presence? (Mr Bates' counsel objected to that question being put to the witness, as being illegal. The committee determined that the question was proper, and it was propounded to Mr Hogan.) *Ans.* I answer in the affirmative.

Mr Bates' counsel excepts to this decision of the committee.

Mr Hogan was then cross examined by Mr Bates' counsel.

Question 1. Have you a distinct recollection that on the occasions alluded to Mr Fitts complained that Mr Byrnes had voted against the suspension of the rule merely ordering the bill to close the land office at Courtland to a second reading, or did he not complain of the votes of Mr Byrnes generally on that day and on the occasion alluded to, and did he not inform you in the same conversation that the bill had passed to a second reading?

Ans. To the first part of this question, I reply, that I am strongly impressed with the opinion, that his complaint against Mr Byrnes was in relation to the vote given against the suspension of the rule, and I will add a circumstance that fixed it on my memory, it is this, that the next morning before I got out of my bed, I rallied Mr Byrnes for voting against the

rule, and he replied that this was a new business to him, and he thought there was as much said for as against the measure. In answer to the second part of this question, I can only say, that I considered it as relating entirely to that vote. In answer to the third part, I do not know whether he informed me of that fact or not, but recollect that I was in possession of it before he called at my room.

Ques. 2. Do you or do you not recollect, that in the conversation alluded to, you asked mr Fitts if mr Byrnes voted against suspending the rule only, and that Fitts' reply was, that he voted against the bill entirely and with mr Coopwood?

Ans. I cannot recollect whether I asked mr Fitts this question or not, I may have done so, but my recollection is that all the complaint made by him against mr Byrnes' vote was to the suspension of the rule, and I coincided with mr Fitts in opinion that the rule should have been suspended and as I before stated, rallied mr Byrnes for not voting for it.

And here the examination of mr Hogan ended.

Mr William Taylor, a member of the House from Dallas county, was called at the instance of mr Gayle; he appeared, was sworn and examined by mr Gayle's counsel.

Question. Have you any distinct recollection of the vote given by mr Byrnes when the bill to close the land office at Courtland was ordered to a second reading?

Ans. I have not now a distinct recollection of the vote of mr Byrnes upon any particular reading of the bill, but I think I recollect distinctly that he voted differently on the passage of that bill.

Mr Taylor was then cross examined by mr Bates's counsel.

Question. Did mr Byrnes vote in different ways on the merits of the bill or did he merely vote at one time against suspending the rule, but uniformly for the bill? Did he vote differently on different days?

Ans. My impressions were and are now, that mr Byrnes did vote differently on different days on the same question and on the merits of the bill, and my impressions were made by the votes given by mr Byrnes at the times they were given on closing the land office at Courtland. I conceive a vote on suspending the rule to be a vote on the merits.

Mr Taylor was then re-examined by the counsel for mr Gayle.

Question. How far was your seat from mr Byrnes, and do you think at that distance you could distinguish how he voted, when the vote was taken by acclamation?

Ans. The only time I distinguished mr Byrnes' vote, was when the vote was taken by yeas and noes. Mr Taylor's examination here closed.

Mr Benjamin Hudson, a member of the House from Franklin county, and mr Hervey W. Ellis, a member of the House from Tascaloosa county, were sent for by mr Gayle; they appeared and were sworn. It being past ten o'clock, and the committee being apprised that the two branches of the Legislature had agreed to adjourn *sine die* at eleven o'clock that night, the committee enquired of messrs Gayle and Bates, if they had any more witnesses which they wished to examine, to which they both answered, that they each had several other witnesses to examine. Whereupon the committee finding it impossible to close their investigation by the time fixed for adjournment, stopped the examination of the witnesses, and determined to rise and report to the House. Whereupon the following report was agreed to, to wit: (which may be seen in a previous part of the journal of to-day, 20th January.)

E PARSONS, G D CONNER SAM'L M MARDIS, SAM'L C OLIVER, THO. M'ELDI

Attest—GEO. N. STEWART, Sec'y of the Committee.

Mr Williams moved that the House adjourn *sine die*, which was carried.

The House then adjourned *sine die*.

JOHN GAYLE, Speaker of the House of Representatives.

Attest, T. B. TUNSTALL, Clerk of the House of Representatives.